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THE

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FIFTY-SECOND CONGRESS.

1891-'92.

IN TWELVE VOLUMES.

WASHINGTON:
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INDEX TO REPORTS OF HOUSE COMMITTEES.

CONTENTS OF THE VOLUMES.

Vol. 1..Nos. 1 to 322, inclusive.
Vol. 2..Nos. 323 to 606, inclusive, except No. 634.
Vol. 3..Nos. 607 to 943, inclusive.
Vol. 4..Nos. 944 to 1302, inclusive.
Vol. 5..Nos. 1303 to 1641, inclusive, except No. 1454.
Vol. 6..No. 1454.
Vol. 7..Nos. 1642 to 1955, inclusive, except No. 1868.
Vol. 8..No. 1868, part 1.
Vol. 9..No. 1868, part 2.
Vol. 10..Nos. 1956 to 2147, inclusive, except Nos. 1960, 2087, and 2090.
Vol. 11..No. 1960.
Vol. 12..No. 2090.

NOTE.—Nos. 634 and 2087 not printed.

INDEX TO THE REPORTS.

DIVISION NO. 1.

SUBJECT OF REPORTS.

Subject.	Rept.	Vol.
A.		
Abbot, Francis L	1317	5
Abbott, D. P	61	1
Abby Ellen (brig, owners of)	70	1
Abingdon, Va., for use of public land as a street	1144	4
Absher, Anderson	1980	10
Academy of Sciences. (*See* National Academy of Sciences.)		
Adams, Charles H	349	2
Adams, O. F	521	2
Adulteration, to prevent, of food and drugs	914	3
Agriculture, inquiry as to effect of present tariff laws on	191	1
report on effect of tariff on	214	10
Agricultural Department. (*See* Department of Agriculture.)		
Agricultural products, taxing fictitious gambling in	969	4
Alabama, resolution for investigation of violations of civil service law in	1747	7
Alabama River, to allow Montgomery, Tuscaloosa and Memphis Railroad to bridge	1683	7
Alaska, relative to domesticated reindeer for	1093	4
Alcantara, Francisco	1202	4
Alden, Warren Alonzo	1089	4
Aldrick, E. J	284	1
Alexander, Adeline	527	2
Alexander, Thomas L. (legal representatives of)	1400	5
Alexander, William J	289	1
Algiers, La., for dry dock at	251	1

Subject.	Rept.	Vol.
Allard & Crozier	49	1
Allen, George R	247	1
Allen, Jane	101	1
Allen, Katie	1565	5
Allen, L. D	648	2
Allen, Lewis D	669	2
	671	2
Allen, Martha A., administratrix of Wyatt M	597	2
Allentown, Pa., to erect public building at	2109	10
Allsworth, Edward	1186	4
Alpena, Mich., to erect public building at	1849	7
Alsbury, Edward P	219	1
Alsup, John F	848	3
Alvis Henry J	1354	5
American Florists, to incorporate Society of	476	2
American register:		
To allow to certain ships of high grade	927	3
To admit ships to, built in foreign countries	966	4
To grant, to steamship *China*	1634	5
American Revolution, collection, custody, and arrangement of military records of	1357	5
American shipbuilding, to encourage	927	3
Ames & Detrick	906	3
Anacostia and Potomac River Railroad Company, to amend charter of	513	2
Anderson, Allen	589	2
Anderson, A. E	649	2
Anderson, Allen L	1082	4
Anderson, Charles P	1397	5
Anderson, David, deceased	1166	4
Anderson, James C., estate of	1280	4
Anderson, Mary H	1370	5
Anderson, Samuel S	1783	7
Anderson, William H	1673	7
Andes, Abraham	784	3
Angora goats, importation and maintenance of	1094	4
Ann Arbor, Mich., public building at	1110	4
Anniston, Ala., public building	1097	4
Antisell, Thomas	389	2
Appeals, to amend Revised Statutes relative to, in capital cases	1607	5
Appropriation, relative to further extension of temporary	2119	10
Appropriation bills:		
Agricultural Department, deficiency in	518	2
Agricultural	1586	5
Army	549	2
Census deficiency	432	2
urgency for	9	1
Diplomatic and consular	891	3
District of Columbia	495	2
	1167	4
Fortifications	1257	4
General deficiency	1666	7
Legislative, executive, and judicial	1526	5
Indian	325	2
	1052	4
Military Academy	5	1
	925	3
Navy	621	2
	1453	5
Pension	525	2
Pension deficiencies	1580	5
Post-Office appropriations	1135	4

Subject.	Rept.	Vol.
Appropriation bills—Continued.		
River and harbor	967	4
	1468	5
Sundry civil	847	3
Urgent deficiency	526	2
	963	4
	1331	5
Aransas Harbor Terminal Railway Company, to allow, to bridge Corpus Christi Channel	1320	5
Arbitration. (*See* International Arbitration.)		
Archer, Henry W., legal representatives of	79	1
Arctic, owners of Hawaiian bark	918	3
Arizona:		
Unsurveyed lands in grant of Atlantic and Pacific Railroad in	992	4
To amend funding act of	441	2
Admission of	737	3
To ratify act for exhibit at the World's Fair	423	2
Settlers on public land in Tucson district of	1664	7
Relative to timber cutting on public lands in	1379	5
Arkansas:		
Additional clerk for courts in eastern district	295	1
Settlement of account between, and United States	693	3
Armelin, Charles, estate of	831	3
Armistead, Vincent	1271	4
Armstrong, Edward S	706	3
Army:		
Accounts, readjustment of certain, with officers of the	1209	4
Administration of justice, to promote	817	3
Appropriation for	549	2
Board of review, to provide for a, in the	1074	4
Certificates of merit, to amend law relating to	542	2
Enlisted men, promotion of, in the	1358	5
Hospital Corps, pay of privates in	172	1
Medical officers in, grade of certain	894	3
Officers, lineal promotion of	171	1
Adjustment of accounts known as longevity pay of	1209	4
Detail of, for the World's Columbian Exposition	236	1
	1470	5
Promotions, to regulate	1818	7
Retired enlisted men, pay and allowance of, in the	824	3
	821	3
Retired list, relative for privates and noncommissioned officers	823	3
	825	3
Summary courts, relative to powers of	817	3
Nurses, relative to pensions for	802	3
Arnold, Mrs. M. E	1472	5
Article of War, to amend Seventeenth	1356	5
Arrests, regulating proceedings in cases of, for offenses against United States	1967	10
Asbury, J. C	1746	7
Ashe, John Baptiste, legal representatives of	1132	4
Ashland, Wis., seaport of entry at	999	4
Askew, John J	2029	10
Assistant journal clerk, to make salary of, annual	1223	4
Athens, Ala., Cumberland Presbyterian Church	1180	4
Athens, Ga., Cumberland Presbyterian Church	310	1
Atherton, Amanda	858	3
Athon, Lavenia D	1930	7
Atkinson, Mary E., administratrix of Richard	285	1
Atlanta, Ga., St. Philip's Church	660	2
Atlantic Works, Boston, Mass	1965	10
Aubrey, Andrew J	1983	10
Austin, Sterling T., heirs of	125	1

Subject.	Rept.	Vol.
Avery, Frank L	1917	7
Avery, John, estate of	1724	7
Ayers, Asa B	1270	4
Ayres, Eli, legal representatives of	2113	10
B.		
Backman, Charles	1595	5
Bacon, Mary L	1762	7
Badeaux, Alger V	1373	5
Badger, Louis	1616	5
Badger, Oscar C	1483	5
Bagshaw, George	205	1
Baker, Henry M	1653	7
Baker, Sarah K. T	132	1
Baltimore, Md., for relief of night inspectors at port of	2027	10
Public building	2111	10
Violations of civil service at	1669	7
Baltimore, U. S. ship, to authorize officers and crew to accept medals	1001	4
Balzer, Gustavus A	1787	7
Barnfield, James	579	2
Bancroft, George, to purchase library and manuscripts of	1947	7
Bancroft, Hubert Howe, to appoint a committee to appraise library of	1795	7
Bandry, Omer and David	1428	5
Bank of Louisiana, creditors of	403	2
Bank notes. (*See* National banks; *also* State banks.)		
Bankrupt bill, to print 5,000 copies of	2075	10
Bankruptcy, to provide for a uniform system of	1674	7
Banks, Charles	1046	4
Banister, Elizabeth M	1299	4
Barber, Alonzo D	860	3
Barnard, Anna E	2076	10
Barnes, Benjamin S	1523	5
Barnes, George W	1384	5
Barnett, Druke Nettie	1240	4
Barr, George W	574	2
Barrett, Walter	1622	5
Barron, Mary	1017	4
Barrow, David C	492	2
Bass, Giles W	650	2
Bates, John A	972	4
Battelle & Evans	290	1
Baugh, William	1271	4
Baynard, Joseph, and others	1692	7
Bazell, James B	312	1
Beach, Warren C	1593	5
Beard, I. B	327	2
Beaufort, S. C., Beaufort Library Society	1294	4
Beckley, R. D	1596	5
Beckman, William R	1271	4
Bedford City, Va., to erect public building	1118	4
Beerbower, Martha A	774	3
Behle, Charles H	1220	4
Belger, Fannie N	962 1786	4 7
Bell, Josiah L	1431	5
Bell, Luman	2089	10
Bell, Mary A	660	2
Bell, Thomas P	1323	5
Benett, Martin A., widow and heirs of	719	3
Bentley, Watson S	2061	10

Subject.	Rept.	Vol.
Berks County (Pa.) Agricultural Society	698	3
Beshears, Alvis	158	1
Bethards, Henry J	975	4
Bethel Springs (Tenn.) Presbyterian Church	311	1
Betts, Nichols & Co	97	1
Beuter, Francis A	1984	10
Bevins, Samuel	208	1
Biddle, Jerome H	105	1
Biggs, Asa, estate of	750	3
Bigler, James	1539	5
Bigley, Nicholas J	343	2
Billings, J. M	1197	4
Billingslea, Walter R	649	2
Bills lading. (*See* Interstate commerce.)		
Binding twine, to admit free of duty	502	7
Birch, William A	223	5
Birchett, William G. (estate of)	1724	1
Bishop, Clarissa	1373	2
Bishop, James	136	1
Bishop, Joshua	2025	10
Black, Joseph	832	3
Black, L. E	1280	4
Blackburn, W. Jasper	1464	5
Black River, Arkansas, to authorize construction of bridge across	1684	7
Blackstone, Richard P	1362	5
Blackwell, Thomas (legal representatives of)	1133	4
Blaisdell, Albert	741	3
Blake, C. M	267	1
Blanckenship, John R	788	3
Bliss, Francis A	239	1
Blood, Charles S	646	2
Bloom, Henrietta Y	832	3
Blosser, Joseph	784	3
Blue Mountain Irrigation and Improvement Company, to grant rights of way through Umatilla reservation	1963	10
Blue, Solomon (estate of)	305	1
Blumo, Emile M	1609 1828	5 7
Boag, William R	1462	5
Boarman, Aleck	1536	5
Board of Ordnance and Fortification, to print annual report of War Department	1346	5
Board of review, to establish, in the Army	1074	4
Boardman, William, administrator of	798	3
Boatright, Eliza M	490	2
Bodley, Julia	639	2
Boise, Idaho, to erect public building	1111	4
Bolings, Samuel J	222	1
Bollman, Lydia	1874	7
Bond, William, & Co. and others	1519	5
Bonfoey, Davis B., heirs of	794	3
Bonfoey, Davis B. and Emma W., heirs of	1829	7
Bonner & Merriman	766	3
Boodger, Adda L	460	2
Book agents, for relief of, Methodist Episcopal Church (South)	20	1
Boone, Esther J	1239	4
Booth, James C., deceased	379	2
Booth, M. A	659	2
Bovell, John V	193	1
Boston, Mass., Atlantic Works	711	3
Botto, Luigi	1888	7
Bounties. (*See* War of rebellion.)		
Bourke, John G	1137	4

Subject.	Rept.	Vol.
Boutwell, D. W	433	2
Bowden, Elizabeth	768	3
Bowen, George E	1936	7
Bowling, John, heirs of	1545	5
Boyd, Augustus	455	2
	1809	7
Boyd, Elizabeth T	946	4
Boyd, George W	1302	4
Boyd, L. H	1336	5
Boyd, Orsemus B	751	3
Brackett, Margaret	1735	7
Bradford, Delzell R	1872	7
Bradford, Joseph J	1710	7
Bradford, Pa., to erect public building at	1999	10
Bradley, Horace L	320	1
Brainerd, Martha Noble	1236	4
Branch, Jesse L	1281	4
Brandt, Jesse	1272	4
Brant, Charles T	1721	7
Brantly, W. S. (executor of J. H.)	390	2
Brazos River, to allow Velasco Terminal Railroad Company to bridge	615	2
Breaux, Pierre	831	3
Brennan, Bridget	1875	7
Brewer, Elvy	657	2
Brewer, William H	1237	4
Briant, Mrs. E. H	831	3
Brice, William, & Co. and others	2018	10
Bridgeport, Conn., to erect addition to public building at	2110	10
Bridger, James	1576	5
Bridges, to authorize the erection of, across—		
Alabama River, by Montgomery, Tuscaloosa and Memphis Railroad	1683	7
Black River, Arkansas	1684	7
Brazos River, by Velasco Terminal Railway Company	615	2
Cahaba River, by Montgomery, Tuscaloosa and Memphis R. R. Co	1686	7
Calcasieu River, by Lake Charles Bridge and Road Co	942	3
Cane River, La	1850	7
Columbia River, between Oregon and Washington	1038	4
in Washington	1852	7
English Bayou, by Lake Charles Road and Bridge Company	942	3
Hudson River, by New York and New Jersey Bridge Company	909	3
Illinois River, at—		
Havana, Ill	1175	4
Whitesburg Precinct, Ala	1174	4
Kootenai River	1940	7
Mississippi River, at—		
Davenport Iowa (pontoon)	619	2
Moline, Ill	941	3
Quincy, Ill	912	3
South St. Paul	8	1
Missouri River, at—		
De Witt, Mo	689	3
St. Charles, Mo	910	3
Omaha, Nebr	1688	7
In South Dakota	911	3
Yankton, S. Dak	1176	4
Mobile River, by Chicago, Mobile and Gulf Ports R. R. Co	1685	7
Morrisa nd Cumming Ship Channel, by Aransas Harbor Terminal Railway Co	1320	5
Ohio River, between Cincinnati and Covington	2079	10
Osage River, at Warsaw	618	2

Subject.	Rept.	Vol.
Bridges, to authorize the erection of, etc.—Continued.		
over certain rivers in Alabama by Mexican Gulf, Pacific and Puget Sound Railroad Co	1319	5
Red River, La., by Rapides Bridge Co	1851	7
Red River of the North	1687	7
Rio Grande River, at Brownsville, Tex	1016	4
by Continental Bridge Co	617	2
St. Lawrence River by St. Lawrence Railway Co	1635	6
Tallapoosa and Coosa rivers by Alabama Grand Trunk Railroad	1939	7
Tennessee River, at Deposit, Ala	1663	7
by St. Louis and Birmingham Railway Co	620	2
near Knoxville	1037	4
Warrior River, by Montgomery, Tuscaloosa and Memphis Railroad	1682	7
To extend time of completion, Burlington, Iowa	234	1
Bridges, Rebecca	1982	10
Bridges, Sarah E	661	2
Bridgewater, P. H	1408	5
Briggs, Samuel G	1949	7
Brineman, Cynthia	533	2
Briscoe, Bouldin B	742	3
Briscoe, Jackson	670	3
Bristol, Louis H	1374	5
Britton, William	1088	4
Broadwell, Marcus L	153	1
Brockenbugh, John, estate of	749	3
Brocton, Mass., to erect public building	1116	4
Brooklyn, N. Y., for relief of certain port wardens at	1779	7
sale of navy-yard lands	1482	5
Brooks, John G. W	32	1
Brooks, S. J	1799	7
Brooks, William H. H	1488	5
Broome, John L	1529	5
	1855	7
Brott, George F	124	4
Brown, A. M	1281	7
Brown, Elisha	1861	1
Brown, Ellen Wiles	772	3
Brown, Florence A	1010	4
Brown, John J	1227	4
Brown, John T	971	4
Brown, M. G	1336	5
Brown, Thomas	650	2
Brown, Thomas J	1042	4
Brown, William H	540	2
Brownson, Leonard I	1768	7
Bruen, John T	535	2
Brunswick, Ga., public building at	1105	4
to improve outer bar at	1869	7
Bryan, C. B., & Co	809	3
Bryan, William I	1198	4
Buckey, Mary E	781	3
Burkholder, Martin, administrator of Abraham	784	3
Buckmaster, William P., heirs of	1489	5
Buckner, Benjamin F., or Taylor	196	2
Buder, Edward A	607	1
Buffalo Creek, treaty of, to carry out stipulations	858	7
Buffalo, N. Y., to erect public building	1117	4
Bugg, J. H., and others	1127	1
Building-stone lands. (*See* Public Lands.)		
Burdette, John C	206	1
Burditt, Augustus P	342	2
Bureau of American Republics, to print copies of report	2146	10

Subject.	Rept.	Vol.
Bureau of Animal Industry, for printing eighth and ninth annual reports of	1339	5
Bureau of Ethnology, to print eleventh and twelfth annual reports of	1338	5
Bureau of Navigation, detail of assistant to chief of	1989	10
Bureau of Pensions, report of special committee to examine into the working and managment, etc., of, parts 1 and 2	1868	8 9
Bureau of Printing and Engraving, to grant thirty days' leave of absence to employés in	408	2
Burke, Edward, administrator	334	2
Burke, Hannah	1724	7
Burks, John M	2017	10
Burlington, Iowa, to extend time of completion of bridge at	234	1
Burns, Anna Morgan	1138	4
Burrough, William	743	3
Burrows, Frank J	677	2
Burton, Felix	1843	7
Burton, Henry H	1424	5
Burton, Patrick, widow of	1584	5
Burton, William	1045	4
Bushby, William	67	1
Butler Flats, Mass., to erect light and fog-signal station near	187	1
Butler, John M	588	2
Butler, Phillip T	785	3
Byron, Margaret	1877	7
Byrd, Susan C	1932	7
C.		
Cahaba River, Alabama, to allow Montgomery, Tuscaloosa and Memphis Railroad Co. to bridge	1686	7
Cahalan, Edward	576	2
Caine, Catherine	276	1
Cairo, Ill., city of	1524	5
Calahan, Andrew J	795	3
Calcasieu River, by Lake Charles Bridge and Road Co	942	3
Caldwell, C. C	1467	5
Caldwell, John R	650	2
Calhoun, Maggie C	1715	7
California, relative to mining débris in	165	1
claim of, for expenses in war of the rebellion	254	1
hydraulic mining in	937	3
relative to forest reservations in	2096	10
Camden, N. J., to erect public building	1506	5
Cameron, Emma S	550	2
Cameron, James and Emma S	888	3
Campbell, Benjamin F	1770	7
Campbell, George J	1072	4
Campbell, J. M	1272	4
Campbell, Nancy	1782	7
Campbell, Robert S	1757	7
Campbell, Samuel M	1516	5
Camp Tyler, Illinois, for relief of owners of	1637	5
Canada, relative to reciprocal relations with	1957	10
Canals, for survey relative to ship canal to connect Great Lakes with Hudson River	1023	4
to share expenses of State	1022	4
to connect Lake Erie with Ohio River	1416	5
authorizing survey for ship canal from Philadelphia to New York Bay	2002	10
Candy, Charles	1273	4
Cane River, Louisiana, to allow Natchitoches Cane River Bridge Company to bridge	1850	7

Subject.	Rept.	Vol.
Capers, Francis T	1692	7
Capitol, messenger for closets and corridor in terrace	1325	5
Capron, Horace, estate of	664	2
Captured and abandoned property. (*See* Claims.)		
Carl, Barbette	1428	5
Carlton, Ambrose B	1892	7
Carmack, Joseph W	228	1
Carpenter, Elizabeth	773	3
Carpenter, Ellen	2847	10
Carpenter, George	650	2
Carpenter, Thomas H	266	1
	510	2
Carr, Rogers, & Co	814	3
Carrick, Robert	1125	4
Carson, Henry Polite	611	2
Carter, Alfred B	328	2
Cartersville, Ga., First Baptist Church	292	1
Case, Maud	1532	5
Casey, Peter	194	1
Casey, Robert	104	1
Cassell, Ida	955	4
Catonsville, Md., St. Timothy's Church	789	3
Cazes, Bertrand and Gaudin	47	1
Cemeteries. (*See* National Cemeteries.)		
Census, appropriations for continuing work	9	1
to amend act for taking Eleventh	1191	4
to continue report on wages	1315	5
to provide for the printing of	1708	7
Census Bureau, to establish a permanent (inquiry)	1068	4
Census deficiencies, report of	432	2
Census Office, relative to investigating	961	4
to investigate management of	1170	4
partial report on investigation	1933	7
Centennial Board of Finance, relative to dissolving	1150	4
Certificates of merit, to amend laws relative to granting by President	542	2
Chadwick, Susannah	714	3
Chaetham, Adelicia	263	1
Chamberlain, John	1517	5
Chamberlain, Charles H	686	2
Chamberlin, Mary	1443	5
Chambers, Thomas	1062	4
Champlain and St. Lawrence Rai road	477	2
Chapin, Gurden	1188	4
Chapman, Edward R	902	3
Chapman, Henley W	1481	5
Chapman, Samuel H	2006	10
Charleston, S. C., relief of Citadel Academy	1720	7
Cheatman, Adelicia, representatives of	974	4
Cheek, Mrs. Nelson	785	3
Cheek, R. T	648	2
Cheney, Wells	87	1
Chelan, Washington, for relief of inhabitants of	237	1
Cherokees. (*See* Indians.)		
Cherokee Outlet, to ratify agreement relative to	1631	5
Chesapeake Bank, Baltimore	1730	7
Chesbrough, Nicholas G	610	2
Chester, Lester P., and others	1288	4
Chester, Walter B., schooner, owners of	1610	5
Cheyenne, Wyo., to erect public building	1119	4
Chicago, Ill., repairs, etc., of post-office at	566	2
site for public puilding	567	2
to improve U. S. Marine Hospital at	855	3

Subject.	Rept.	Vol.
Chicago River, relative to licenses of United States, to use pier at mouth of	616	2
Chicago Exposition. (*See* World's Columbian Exposition.)		
Chickasaws. (*See* Indians.)		
Chile, to print President's message relative to, etc	307	1
China, steamer, to grant American register to	1630	5
Chinese, for exclusion of	255	2
Chocolate, relative to duties on	1436	5
Choctaws. (*See* Indians.)		
Chouteau, Charles P	50	1
Christien, Margaret	301	1
Christopher, Mary B	1913	7
Christy, John, & Co	350	2
Chum, A. B	651	2
Churches. (*See* Claims.)		
Churchill, Benjamin	976	4
Cities, investigation of "slums" of	572	2
City Fire Insurance Co., New York	1730	7
Citizens' Bank of Louisiana	340	2
Civil service, relative to preference of veterans in	1669	7
report relative to violations of, at Baltimore	1669	7
resolution to investigate violation of, law in Alabama	1747	7
resolution to investigate violations of, at Baltimore	1141	4
Civil Service Commission, to print eighth annual report of	1337	5
Claiborne, Courtney Ann	1898	7
Claims, amendment to Revised Statutes relative to transfers and assignments of, against United States	422	2
certain, for stores and supplies for Army during war of rebellion	1552	5
certain, under "Fourth of July" act	38	1
of certain States and city of Baltimore	220	1
classified findings of, from Court of C aims	1510	5
Florida, suppressing Indian hostilities	273	1
for payment of certain, of certain Louisiana plantations	1336	5
Indian war claims of citizens of Nevada	117	1
Kansas, citizens of	602	2
list of twelve, under Fourth of July act	1248	4
moiety, of officers and crews in the Navy	242	1
of States for defense of the United States	552	2
for interest on funds expended for	555	2
pay and bounty, to facilitate settlement of, for	484	2
Pennsylvania, for militia expenses during civil war	167	1
for damages to citizens by armies	166	1
relating to extension, etc., under the captured and abandoned property act	1377	5
relative to, of church and school buildings	11	1
to allow examination of papers in, arising out of military or naval service	1531	3
war of rebellion claims of California, Oregon, and Nevada	254	1
Clapp, George M	268	1
Clapp, Sarah A	274	1
Clara Bell, steamer	1219	4
Clark, Charity W	638	2
Clark, George W	2031	10
Clark, James S., estate of	377	2
Clark, Stephen D	241	1
Clarkson, James	2039	10
Cleaveland, Jesse	1836	7
Clerks of United States courts, relative to returns of fees	1970	10
Cleveland, Elizabeth J	1281	4
Clift, William	723	3

Subject.	Rept.	Vol.
Clinton, Iowa, to erect public building	1099	4
Coast and Geodetic Survey, to print report of Superintendent of	1342	2
Cobb, Blasddell & Co	350	5
Cobb, J. & O. P., & Co., surviving partners of	350	2
Cobb, Oliver P	350	2
Cobb, O. P., and others	351	2
Coffman, Joseph	2048	10
Cogswell & Co	2013	10
Cohen, Jacob J., administrator	717	3
Cohn, Henry S	907	3
Coins and coinage, for amendment to Constitution relative to issuing coin, etc	294	1
for free coinage of gold and silver	249	1
	1839	7
Cole, Broad	586	2
Cole, Mrs. S. M	783	3
Coleman, Sarah and Florence	1282	4
Collards, W. H	1336	5
Collectors of Customs. (*See* Customs Service.)		
Collins, Joseph	832	3
Colonial Dames of America, to incorporate the Society of	256	1
Colorado, relative to land titles in	1253	4
to assist to maintain a school of mines	841	3
Columbia Bridge, Pennsylvania, relief of owners of	777	3
Columbian Exposition. (*See* World's Columbian Exposition.)		
Columbian Historical Exposition at Madrid	923	3
Columbia River, to bridge, between Washington and Oregon	1038	4
Columbia River, Washington, to authorize bridge across	1852	7
Columbus, Ohio, right of way for Leonard Avenue Street Railway Company	1698	7
Colvill, William	635	2
Colville Reservation, agreement with Indians on	1035	4
	1525	5
Commerce, to protect, against unlawful restraints and monopolies	1418	5
with Europe, to print copies of special report on	2135	10
Commercial Mutual Fire Insurance Company, New York	1730	7
travelers, to allow special rates to	186	1
Commissioner of Education, to print report of, for 1890	2136	10
Fish and Fisheries, to print report of, for 1889–'90, 1890–'91	1344	5
Labor, to print seventh annual report of	2137	10
Commissioners of United States courts, relative to fees of	1968	10
Committees, clerks assigned to	1	1
Committee on Accounts, annual clerk for	752	3
Agriculture, to pay messenger for	2128	10
to investigate the Pension Bureau, pay of stenographer and assistant clerk for	1322	5
Common carriers. (*See* Interstate commerce.)		
Compagnie Française du Télégraphe de Paris et New York	964	4
Congress:		
Proposed constitutional amendment relative to election of Representatives in, and changing time of meeting of	543	2
Relative to changing day of assembling	810	3
Congressional correspondence, to establish an office	479	2
Directory, inquiry as to map of Congressional districts in	246	1
documents, list of, to print copies of	1340	5
Record, relative to expunging certain remarks of Hon. Joseph H. Walker from	799	3
Connel, Michael	785	3
Conroy, Eliza	2077	10

Subject.	Rept.	Vol.
Constitution of the United States:		
For amendments to:		
Relative to issue of money	294	1
Relating to marriage and divorce laws	1290	4
Relative to election of Senators by the people	368	2
Contested elections:		
Craig *vs.* Stewart	367	2
Noyes *vs.* Rockwell	968	4
Continental Fire Insurance Company, New York	1730	7
Contract labor. (*See* Labor.)		
Convict labor. (*See* Labor.)		
Cook, James A	1638	5
Cook, Jared R	649	2
Cook, Matilda	138	1
Cooper, Hudson, legal representatives of	776	3
Cooper, Thomas	956	4
Coosa River, to allow Alabama Grand Trunk Railroad to bridge	1939	7
Copen, Addison M	998	4
Copenhaver, A. J	1934	7
Corcoran, Mary J	1590	5
Cordill, Joseph	829	3
Cordray, David P	791	3
Core, A. S	551	2
Corporations, to accept, as sureties, etc	1229	4
Corridon, James	761	3
Corser, David S	1243	4
Cota, Harriet	1815	7
Cothes, H., heirs of	26	1
Cotton bagging, ties, and gins, to remove duties from	503	2
Council Bluffs, Iowa, to make a port of delivery	507	2
to pay for constructing pavements	793	3
Couplers. (*See* Railroads.)		
Courchaine, Daniel B	363	2
Court of appeals, District of Columbia, to amend act establishing	1172	4
Court of Claims, appeal from, to amend section 707 of Revised Statutes relative to	1825	7
disposition of causes in	1259	4
extending jurisdiction of, to cases of land patents	1706	7
relative to inquiry of chief justice of, for certain information	1540	5
to amend act relative to jurisdiction of	366	2
Court of Private Land Claims, to amend act establishing	908 1173	3 4
Courts of the United States, appeals, to amend Revised Statutes relative to, in capital cases	1607	5
Arkansas, an additional clerk for, in eastern district	295	1
arrests, regulating proceedings	1967	10
circuit court of appeals, relative to	1258	4
costs, etc., in, of the poor litigant	1079	4
decrees, sale of property under	270	1
depositions in criminal cases, to amend Revised Statutes relating to	446	2
fees, return of, by district attorneys	1969	10
return of, by clerks	1970	10
return of, by commissioners	1968	10
Georgia, to amend act creating northern judicial district of	444	2
Idaho, times and places for holding, in	309	1
illegal practices, report of investigation into	1966	10
Indian Territory, judgments and decrees	1437	5

Subject.	Rept.	Vol.
Courts of the United States, judges, requiring, to conform to State laws in giving charge to jury	189	1
judges and justices, disqualifying, in certain cases	406	2
judgments, limiting lien of, on real estate to county in which filed	170	1
jurisdiction, to limit, of district and circuit	271	1
jurors and witnesses, fees for traveling in certain States and Territories	424	2
Kansas, to create third division in	571	2
Kentucky, to regulate terms in	1971	10
Maryland, to hold terms in Cumberland	405	2
Mississippi, clerks of, for	932	3
Missouri, time of holding, in western district of	755	3
Montana, to establish the southern division of	1816	7
murder, defining, in first and second degree	504	2
New Hampshire, terms of, at Littleton	442	2
New York, relative to terms of, in northern district	1013	4
North Dakota, to divide judicial district of	983	4
Oklahoma, additional supreme judge for	1413	5
relative to district, regulations of, etc	944	4
to amend laws relative to	2054	10
papers in causes, amending Revised Statutes relating to	445	2
practice and actions in, relating to form of	994	4
South Carolina, for an additional term of, in	1788	7
South Dakota, to regulate times of holding in	1846	7
Texas, to change time of holding	231	1
transcripts, amending Revised Statutes relative to	445	2
Utah, additional justice for supreme court of	232	1
West Virginia, time of holding, in	933	3
Wisconsin, relative to western district of	2	1
to change times of holding, in	176	1
Wyoming, terms for Evanston	984	4
Cousens, George Lewis	216	1
Cowgill, Sarah	1450	5
Cowles, Calvin J	930	3
Cowper, Leopold C. P., legal representatives of	721	3
Cozad, Henry	2041	10
Crabill, Joseph D., estate of	784	3
Craig, Alexander K., contested election case of	367	2
Craig, Joseph	1992	10
Cramer, Delos	452	2
Crangle, Henry	1937	7
Cranston, Sarah M	1328	5

Subject.	Rept.	Vol.
Crawford, Elizabeth R	336	2
Crawford, James S	905	3
Crenshaw, A. L. H	112	1
Crews, Hamilton	345	2
Crider, R. H	37	1
Crider, S. F	131	1
Criner, Eliza A	1808	7
Cronk, Charles W	1568	5
Crosby, William	783	3
Cross, Joel	660	2
Crow, William	658	2
Crum, Elizabeth and B. L	597	2
Cullen, James	1914	7
Culver, Catherine P., heirs of	389	3
Cumberland, Md., to hold United States courts at	405	2
to erect public building	096	4
Cummings, Doyle & Co	39	1
Cummings, Phœbe	649	2
Cunningham, Calvin B	391	2
Currency, amendment to Constitution relative to issuance of	294	1
relative to issuance of postal notes	1314	5
Customs service, inspectors, for relief of night, at New York and Baltimore ports	2027	10
leave of absence to per diem employés in the	1213	4
relative to compensation of collectors and surveyors in the	1233	4
Cutts, J. Madison	2118	10
	2131	10
Cynthiana, Ky., to appoint a commission to ascertain fact concerning destruction of property at	413	2
D.		
Dabney, Simmons & Co	414	2
Dakota, Territory of, correcting description of certain lands granted to	385	2
Dally, Abraham	1709	7
Dalton, Ga., trustees of Catholic church	291	1
Dana, Napoleon, J. T	454	2
	1441	5
Danahay, Margaret	1563	5
Daniel, Calvin	1028	4
Danolds, Charles A	655	2
Darly, F. O., estate of	831	3
Davis, Annie	1919	7
Davis, A. W	598	2
Davis, Cassie A	959	4
Davis, Enoch	278	1
Davis, James A	339	2
Davis, John M	1756	7
Davis, F. W	645	2
Davis, Jacob R., heirs of	1549	5
Davis, Mark	33	1
	1683	7
Davis, Marshall	648	2
Davis, Mrs. M. M	649	2
Davis, Susanna	1838	7
Day, Cornelius	1997	10
Day, Ellen	1390	5
Day, Nancy	1600	5
Deafness, to increase rate of pension for	1920	7
Dealy, David	1950	7
Dean, John A	1863	7

Subject.	Rept.	Vol.
De Bevoise, S. H	1270	4
Debnam, Thomas R	661	2
Decatte, Owden	832	3
Decatur, Ill., to erect public building	1528	5
Declarations. (*See* Pensions)	559	2
Decrees. (*See* Courts of United States.)		
Deems, Lewis	1008	4
Defford, James, heirs of	1651	5
Deitrich, Emily	1279	4
Delahoussaye, Sidonie	1370	5
Delaware, claim growing out of war of 1812	220	1
Delawares. (*See* Indians.)		
De Leon, Agnes and Maria	2015	10
Delille, Jaen	1279	4
De Loach, Claiborne, heirs of	1272	4
De Loach, Claiborne, estate of	1270	4
Denham, Merril	1797	7
Dennis, James H	1601	5
Denison and Northern Railway Company	1060	4
Dennis, Mary A	832	3
Denny, George, sr	522	2
Dent, Warren R	332	2
Department of Agriculture, annual appropriation bill for	1586	5
deficiency appropriations for	518	2
Depositions. (*See* Courts of the United States.)		
De Russy, Helen A	2101	10
Desertion, to extend time of act for removal of charges in certain cases	1381	5
Deslonds, Francis E	1370	5
Desmarc, Alphonse	1373	5
Des Moines, Iowa, to make a port of delivery	852	3
Des Moines River lands, relative to settlers on	1075	4
Despatch, U. S. S., for relief of sufferers by wreck of	1749	7
Detroit, Mich., releasing claim to lot in	163	1
Deucatte, Odon	83	1
DeWeese, Samuel Elza, to grant patent for land in Oklahoma	1662	7
Deyo, Jonas	1885	7
Dickson, David, and others	392	2
Dickson, Davidson, and others	935	3
Dieters, John	1924	7
Diplomatic and consular service, appropriations for	891	3
Discovery of America, to make the four hundredth anniversary of, a holiday	1527	5
Diseases of the horse, to print additional copies of report on, for distribution	726	3
District attorneys, relative to returns of fees by	1969	10
District of Columbia, academy and gallery of art, to authorize the establishment of	1895	7
alleys, opening of	865	3
pay for condemned	630	2
to prevent building of houses on certain	324	2
Anacostia Street Railway, to amend charter of	513	2
animals, to prevent cruelty to	1215	4
appropriations, annual	495	2
disagreement with Senate in part	1167	4
assessment of taxes, report of investigation	1469	5
to appoint special committee to investigate	1679	7

Subject.	Rept.	Vol.
District of Columbia, assessments, time of making, outside of Washington and Georgetown	518	2
building, etc., associations, regulating deposits in	758	3
certificate of indebtedness, for the payment of a	633	2
children, to prevent cruelty to	1215	4
claims, settlement of outstanding against	2129	10
commission merchants, relative to fraudulent transactions of	631	2
confirming title to certain lands in Washington (square 206)	1004	4
court of appeals, to amend act establishing	1172	4
dentistry, practice of	870	3
dependent children, relating to care of	945	4
drawback certificates, to make receivable for current taxes	409	2
Eckington and Soldiers' Home Railroad Company, to amend charter	190	1
foreign corporations, providing for semi-annual statements from	1147	4
Fourth Street Methodist Episcopal Church, to give title to public square 1102 in	1831	7
Glen Echo Railroad Company, to allow to cross Washington Aqueduct, in the	1151	4
highways, permanent system of	866	3
historical manuscripts, to provide for purchase of, relating to	1216	4
ice on Sunday	1440	5
incorporation law, to amend	7	1
institutions of learning	864	3
land titles, to amend laws relating to	629	2
livery-stable keepers, protection of	871	3
lot 10, square 683, to purchase	2107	10
Maryland and Washington Railway Company, to incorporate	425	2
Memorial Association, appointment to, in	1149	4
Metropolitan Railroad Company, to amend act of 1891 relating to forfeiture in certain cases	1847	7
National Safe Deposit Company, to change name of	175	1
National Union Insurance Company	760	2
Norfolk and Western Railroad, to authorize extension of, into	1628	5
overhead wire, relative to removal	1629	5
pardons, to grant Commissioners of, the right to grant in certain cases	124	1
Petwoorth, Brightwood and Takoma Railway Company, to incorporate	1289	4
plumbing, for inspector of	869	3
produce dealers' license tax, to repeal	1254	4
property, unlawful appropriation and use of	632	2
Protestant Episcopal Cathedral foundation, to incorporate	1900	7
police court, to define jurisdiction	1926	7
real estate, conveyances of	867	3
reformatory, etc., for women, for erection of	846	3
regulations, to protect peace and property in	2001	10
Rock Creek Railway, to amend charter	759	3
sanitary engineers, to print copies of report of	1348	5
square 454, to allow postmaster to construct platform in the alley in	1896	7

Subject.	Rept.	Vol.
District of Columbia, square 673, to resubdivide	1626	5
streets, extension of North Capitol	1421	5
street railways, extending time for change of motive power on certain, in	803	3
regulation and equipment of	1169	4
to prohibit use of one-horse cars on	1152	4
Suburban Railway Co., to incorporate	326	2
tax ledgers, duplicate	516	2
tax sales and taxes, unpaid certificates	517	2
to grant absence of certain employés of the Government in, during Grand Army of the Republic encampment of 1892	1382	5
trial bonds, relative to false swearing before, of police force and fire department	628	2
Washington and Great Falls Electric Railway, to incorporate	1627	5
water revenues, fraud upon	868	3
weapons, to prevent carrying of dangerous in the	1148	4
Y street, extension of	1024	4
Dittlinger, Michael	429	2
Divorce. (*See* Marriage and divorce.)		
Doherty, M. A	649	2
Dolman, Jacob	784	3
Donaldson, Mary E	811	3
Donato, Auguste, heirs of	329	2
Donato, Belote A	832	3
Donnell, George C	115	1
Donnelly, Peter	805	3
Doolittle, Esther	41	1
Dorr, John N	137	1
Dougherty, Mary A	648	2
Douglas, W. W., administrator	832	3
Downey, Amelia	784	3
Downing, A. B., estate of	649	2
Downs, Francis	1365	5
Doyle, Johanna	785	3
Doyle, William	776	3
Doyle & Co	39	1
Driscoll, John J	1184	4
Dry docks, to build at Algiers, La	251	7
Duffy, Eugenia and W. B	829	3
Dulin, A. F., estate of	1724.	7
Dull, John C	1473	5
Duluth, Minn., to make port of immediate transportation in bond	1974	10
Dunbar, Charles F	881	3
Duncan, Andrew J., deceased	16	1
Dunfee, Nicholas	874	3
Dunham, John S	1157	4
Dunkirk, N. Y., to make port of immediate transportation	1845	7
Dunklee, William M., administrator	1251	4
Dunn, Philip G	1714	7
Durham, N. C., to erect public building	1123	4
Duvall, Tandy	784	3
Dyall, James R., widow of	1978	10
Dyer, Lucius L	1521	5
Dyer, Rachel	262	1
E.		
Eagle Fire Insurance Co., New York	1730	7
East Baton Rouge, La., St. Joseph's Church	1745	7

Subject.	Rept.	Vol.
Eastern Railroad Company, Massachusetts	1730	7
Easterly, Isaac	1281	4
East Marion, Long Island, N. Y., to establish life-saving station at	1689	7
Eastport, Me., to dispose of military reservation at	1230	4
East St. Louis, Ill., to erect public building	1946	7
Eckerson, George W	362	2
Eckington and Soldiers' Home Railway Company, to amend charter	190	1
Edwards, Emily	1375	
Edwards, W. W	1373	5
Edwards, Richard M	109	1
Edwards, Sarah Upton	1071	4
Eggleston, J. R	1603	5
Eicks, William	982	4
Eight hour law. (*See* Labor.)		
Eldridge, Daniel	1164	4
Eldridge, Hallem, deceased	1691	7
Elections, to print copies of bill of Fifty-first Congress for control of Eleventh Census. (*See* Census.)	1865	7
Elgin, Ill., to erect public building at	1505	5
Elizabeth, N. J., to erect public building	1744	7
Elliott, John R	1428	5
Ellis, Agnes P	897	3
Ellis Island, report of investigation of	2090	12
to print report on	2139	10
Elmira, N. Y., to erect public building	1848	7
Elsaser, John A	1336	5
Elzey, John	829	3
Emerson, Earnest C	1444	5
Employés, to grant leave to per diem	1036	4
Engelhardt, Margaretha	1935	7
Engineer Corps. (*See* Navy.)		
English Bayou, to erect bridge across, by Lake Charles Bridge and Road Company	942	3
Enlisted men. (*See* Navy.)		
Engs, Samuel F	596	2
Enlow, Thomas	977	4
Ennis, William B	129	1
Eppes, John W	564	2
Ericsson, John, estate of	1225	4
European commerce, to print copies of special report on	2134	10
European immigration, to print copies of special report made on	2133	10
to print report of commissioners on	1347	5
Evans, Samuel	1411	5
Executive Departments (*See also under respective heads*); to establish, of mines and mining	1003	4
Executive Mansion, paintings for	1293	4
F.		
Fagot, Emile, heirs of	832	3
Falkner, Nathan	1760	7
Falls, Jane	1985	10
Faringhy, Louis O	1499	5
Farley, John A	1280	4
Farnsworth, D. D. T	1670	7
Farquhason, Mrs. S. A	1785	7
Farron, Utah, for relief of inhabitants of	252	1
Fays, Eliza	420	2
Fels, Samuel	134	1
Fergusson, George B	69	1
Fernandina, Fla., to extend provisions of act for immediate transportation to	1218	4
Ferrell, Hugh	584	2

Subject.	Rept.	Vol.
Ferris, Adelia S	98	1
Ferris, John W	1589	5
Fictitious farm products. (*See* Options.)		
Field, Francis A	1814	7
Field, John A	654	2
Fields, John	2030	10
Filhiol, Hypolite, and others	45	1
Findlay, Ohio, to erect public building	1819	7
Finley, James A	716	3
Finn, John	2024	10
Finney, Abigail L	1349	5
Fischer, Neil	708	3
Fischer, Samuel O	55	1
Fish and Fisheries:		
To print report of Commissioner of, for 1889-'90 and 1890-'91	1344	5
Potomac River: to protect in	1953	7
Regulating fisheries	1350	5
Fitchburg, Mass., to erect public building at	1820	7
Fitzgerald, Michael J	1126	4
Flag. (*See* United States Flag.)		
Fleenor, John T	1909	7
Flesschert, Martha E	1497	5
Fletcher, Nathan, heirs of	600 1179	2 4
Fletcher, William	1244	4
Flick, Catherine	784	3
Florence Masonic Lodge, Florence, Ala	601	2
Florida:		
Claim of, for suppressing Indian hostilities	272	1
Claim of State of	273	1
Relative to issue of land patents in, under act of August 4, 1842	1975	10
Flowers, Elizabeth	661	2
Flynn, Margaret A	2031	10
Fog signals. (*See* Light.)		
Folders. (*See* House of Representatives.)		
Folding room. (*See* House of Representatives.)		
Folding room, to rent branch on Pennsylvania avenue	269	1
Fond Du Lac, Wis., to erect public building for	844	3
Food and drugs, adulteration of	914	3
Ford, John C	637	2
Forgey, James	1386	5
Foreign exhibitors. (*See* World's Columbian Exposition.)		
Forest reservations. (*See* Public Lands.)		
Fort Brown military reservation, to provide for purchase of	2050	10
Fort Fetterman, Wyoming, to restore to public domain	1942	7
Fort Greene (Brooklyn), New York, to erect monument to memory of victims of British prison ships	169	1
Fort McClary military reservation, to convey portion to Kittery, Maine, for school purposes	1439	5
Fort Miffin, Delaware, to authorize the sale of certain lands in the vicinity of	1944	7
Fort Monroe, Virginia, to extend time to complete hotel on reservation at	1746	7
Fort Montgomery military reservation, to grant St. Lawrence Railroad Company right of way across	477	2
Fort Wayne, Ind., for enlargement of military post at	1642	7
Fortier, Joseph	1806	7
Fortification appropriation bill	1258	4
Four hundredth anniversary, holiday on October 12	1527	5
Fourth of July claims. (*See* Claims.)		
Foxhall (steamer), American register for	1327	5
Franklin, William A., executor of J. B	1272	4

Subject.	Rept.	Vol.
Fraliex, Martin	660	2
Frazier, Stark	679	2
Frasuer, Eli	660	2
Frederick, Md	520	2
Freedley, Henry W	1203	4
Freeman, R. V	591	2
Fremont, Jessie Benton	1903	7
French, Henry S	82	1
French spoliation claims (also brig *Russell*)	1901	7
Freyre, Mrs. Luis	1465	5
Fritcher, Elizabeth L	1620	5
Frizell, James S	135	1
Frobel, Elizabeth D. and Anna S	140	1
Frost, John G	753	3
Frymire, George L	2064	10
Fuller, J. B	648	2
Fusilier, Corinne Perret	831	3
Future City (towboat), to submit claim to Court of Claims	704	3
Futures. (*See* Options.)		
G.		
Gage, E. Darwin	2033	10
Gainesville, McAllister and St. Louis Railway Company, granting right of way through the Indian Territory	386	2
Gainesville, Oklahoma and Gulf Railway Company, granting right of way through the Indian Territory	387	3
Gallagher, Charles	712	3
	713	3
Gallagher, Thomas	1921	7
Gallard, Washington	116	1
Gallatin (U. S. Revenue Cutter), relief of officers and crew	1479	5
Gallipolis, Ohio, to erect public building at	1124	4
Gallott, Julia	832	3
Gamble, Hon. John R., to print eulogies delivered on	1128	4
Gardener, Frances P	1055	4
Gardiner, Me., to erect public building at	1100	4
Gardner, Fannie E	1585	5
Garrard, Charles T	592	2
Garrett, W. F	1281	4
Garrison, Nemiah	111	1
Garrot, Pierre	1428	5
Gassett, John W	578	2
Gatlin, Mary	491	2
Gay Head, Mass., to establish life-saving station at	188	1
	1043	4
Geer, Martha A	1737	7
Gendron Iron Wheel Company	356	2
General deficiency bill	1666	7
Geographic names, to print copies of report of U. S. Board on	474	2
Geological Congress. (*See* International Geological Congress).		
Georgia, to amend act creating northern judicial district of	444	2
Gettysburg Battlefield Memorial Association, to furnish specimen of arms, etc., used by armies	1643	7
Gibson, Guy W	2065	10
Gibson, William F	238	1
Giddings, Napoleon B	227	1
Gilbreath, Simeon	1283	4
Gilfoil, Patrick	829	3
Gillies, Charles F	1329	5
Gillingwaters, J. E	573	2
Gillett, Theodore J., estate of	1386	5
Gittings, Samuel E	1423	5

Subject.	Rept.	Vol.
Glass, Henry. U. S. Navy	1250	4
Glassie, D. W. and Minna H	85	7
Glen Echo Railroad Company, to allow, to cross the Washington Aqueduct	1151	4
Goff, Ellen	529	2
Gold. (*See* Coins and Coinage.)		
Gomez, Edwin	398	2
Gonzales, Nasario	1073	4
Goodloe, G. C	904	3
Goodloe, Miriam, and others	1481	5
Goodwin, Miles	1051	4
Goodrich, A. E. and M. E	823	3
Gottschalk, C. V	1681	7
Govan, J. J	658	2
Government of the United States:		
For amending Revised Statutes relative to transfers and assignments of claims against	422	2
For repeal of section 856 of Revised Statutes relative to bringing suits against	801	3
Leaves of absence of certain per diem employés of	408	2
	1036	4
	1213	4
Relative to suits against	1706	7
Revival of suits in certain cases	383	2
To exclude political influence in employing laborers in service	821	3
To authorize sale of certain property of, at Pittsburg, Pa	1743	7
To authorize the Secretary of War to lease public property of	1817	7
To secure to veterans preference in appointment to public service of	1925	7
Relative to further extension of appropriations	2119	10
Government Printing Office, site for	687	3
to revise wages of certain employés in	1654	7
Grace, James	1194	4
Graham, Amelia	1981	10
Grain, standard of weight and classification of	1232	4
Grand Army of the Republic:		
Absence of members in District of Columbia from Government employ during encampment of 1892	1382	5
To accept invitation for committee of Congress to attend encampment	2086	10
To loan flags during encampment in Washington	499	2
Granberry, Joseph J	1765	7
Grant, Chester F	107	1
Graves, Mrs. C. U	78	7
Gray, James E	106	1
Gray, Jennie	2067	10
Great Lakes, relative to statistics of business of coasting trade on the	688	3
revenue cutters for	820	3
to connect with Hudson River by ship canal (survey)	1023	4
to establish aids to navigation on	1458	5
to promote navigation of, from head of, to ocean, etc.	185	1
Gregory, James A	156	1
Grechill, Thomas C	650	2
Green, Ann M	1915	7
Green, Edman	1538	5
Greene, Annie M	2082	10
Greene, George S	1080	4
Greene Nathanael, to erect monument to, at Guilford court-house	472	2
Griffith, Martha	1238	4
Griffith, Maurice G	834	3
Grimmet, Mathew N	1271	4
Grisson, Sarah	653	2

Subject.	Rept.	Vol.
Grivot, Maurice, heirs of	376	2
	1427	5
Groat, Abram	498	2
Groom, William G	139	1
Groves, John N	1165	4
Grow, Galusha A., to print proceedings on presentation of portrait	229	1
Grubb & Robinson	1751	7
Grugett, Andrew L	595	2
Gaugers. (*See* Internal Revenue.)		
Guidry, Lesant, heirs of	831	3
Guiman, Thomas	380	2
Gulic, Benjamin F	1583	5
Gullory, Martin	832	3
Gumberts, Henry, sr	1700	7
Gummo, John W	1813	7
Gutherie, Louisa S	720	3
H.		
Hackney, B. R	321	1
Hadley, E. D	1247	4
Hagan, Sarah A	958	4
Hagerstown, Md	746	3
Hahon, Eliza Jane	652	2
Hahn, Lydia E	861	3
Haigh, A. V	1042	4
Hall, Dwight	715	3
	1492	5
Hall, Goff A	52	1
Hall, Jacob	1834	7
Hall, John S	2103	10
Hall, Minnie	531	2
Hall, Warren	53	1
	1361	5
Hallam, John	1907	7
Halleck, Walter F., to appoint, as assistant doorkeeper	293	1
Haller, Jonathan	784	3
Ham, James S., heirs of	701	3
	883	
Hamersly, Lewis R	1334	5
Hamilton, Aaron V	493	2
Hamilton, Mrs. C. R., "Sister Angela"	1391	5
Hamilton, G. Dwight	375	2
Hamilton, Sophia J	1154	4
Hamm, John M	1277	4
Hammaker, W. S	2026	10
Hammon, Jacob, estate of	784	3
Hammond, Robert	1389	5
Hancock, William	1364	5
Handlin, William W	431	2
Hankins, Joel S	946	4
Hanna, George B	930	3
Hanson, Willis F	201	1
Harbor defenses, relative to, at San Diego, Cal	256	3
Harding, Francis E., estate of	1370	5
Harkins, Charles	1383	5
Harley, Elizabeth	1835	7
Harrington, Louisa	120	1
Harris, Martha A	1805	7
Harris, Thomas D., heirs of	103	1
Harrison, R. F	792	3
Harrison, William Henry, monument to	1217	4
Hart, Rodman	876	3

Subject.	Rept.	Vol.
Harter, Thomas O	849	3
Hartford, Conn., to make additions to public building at	1821	7
Hartman, Jesse P	315	1
Harvill, Mrs. L. J	651	2
Haskell, Lucy	415	2
Hastings, Nebr., public building	1098	4
Hastings, Rosanna	1736	7
Hatch, Ellen De Witt	2009	10
Hathaway, John R	721	3
Havens, Ezra S	114	1
Haxthausen, Joseph	89	1
Hayes, Samuel, deceased	1272	4
Hayes, Thomas G	1705	7
Hayford, Axel	69	1
Haynes, James J	1476	5
Haywood, Mrs. W. Dallas	661	25
Hazzard, George W	1566	5
Hazen, G. M., and others	934	3
Heard, James A	650	2
Heazlitt, John C	2007	10
Heberer, John	608	1
Heberlein, August, estate of	1270	2
Hebert, Eliza E	54	4
Hebrews. (*See* Russian Hebrews.)		
Hebron, Adeline L., estate of	649	2
Heinze, Herman	1625	5
Heiskell, Ann E	143	1
Helena, Mont., to establish military post near	623	2
to erect public building	1112	4
Henderson, Ky., to erect public building	1976	10
Henderson, Robert	1183	4
Henderson, Sarah L	40	1
Heninger, Louis	1446	5
Henkel, Philip	1199	4
Henry, George M	1811	7
Henry, William M	319	1
Henson, Hugh M	42	1
Hernandez, Vidal	745	3
Herr, A. H., estate of	463	2
Hershe, Benjamin F	200	6
Heuston, Charles E	1054	4
Hewett, Ellen	939	3
Hickman, M. T	1279	4
Hicks, David	1552	5
Higgin, Richard, estate of	658	2
Higgins, John M	605	2
Higgins, Thomas L	275	1
Hildreth, William H	36	1
Hill, Alexander, estate of	832	3
Hill, Joseph A	659	2
Hineline, Sophia Bruner	536	2
Hobbs, Thomas M	1724	7
Hoboken, N. Y., to erect public building	1794	7
Hoffman, R. H	322	1
Hogan, Joseph C	1550	5
Hogarty, William P	928	3
Holbrook, Julia	659	2
Holland, James L., estate of	1271	4
Hollcroft, Elijah P. T	91	6
Hollis, Mary	1994	10
Holloway, William H	1904	7
Holms, Eliza	1876	7
Holmes & Leathers	1701	7

Subject.	Rept.	Vol.
Holmes, Martha W	1412	5
Holmes, Prentice	960	4
Holstein, Anna M	1559	5
Helsten Female College	1272	4
Holt, C. G	661	2
Holt, John M	1281	4
Holt, Wiley, administrator of	661	2
Homestead, Pa., to investigate labor troubles at	1803	7
report for further time	2142	10
Honeycutt, Stephen M	850	3
Hood, Julia	1553	5
Hooper, James	872	3
Hoover, Benjamin, estate of	784	3
Hoover, James C	1281	4
Hopper, William, estate of	17	1
Hopper, W. A., administrator of David	649	2
Horn, Fritz	209	1
Hosack, W. S	378	2
Hospital Corps. (*See* Army.)		
Hot Springs, Ark., relative to relief of certain parties injured in laying off mountain reservation at	1547	5
to authorize sale of lot for school purposes	738	3
trustees of Trinity Church	893	3
Hot Springs reservation, to donate land for school purposes	1002	4
to include certain lot in	988	4
Houk, Leonidas C., to print eulogies on	364	2
House of Representatives, assignment of clerks to committees	1	1
relative to the fire in folding room of	1456	5
report of committee to investigate charges against conduct of members on floor	2132	10
folders, extension of time of employment of certain, in	2144	10
resolution for two special messengers for	248	1
resolution to rent branch folding room for	269	1
to establish an office of Congressional correspondence and department business	479	2
additional folders for	725	3
to print manual and digest of rules of	762	3
Howard, Leon	1596	5
Howard, Samuel	13	1
Howard, W. H	931	3
Howland, Juanita, administratrix of George W	1367	5
Howell, William C	1717	7
Hubbard, Mary Jane	1272	4
Hubbard, Royal M	1734	7
Hudson River, to allow New York and New Jersey Bridge Company to bridge	909	3
survey to connect with Great Lakes by ship canal	1023	4
Hughes, William	48	1
Hughes, William C	1200	4
Hughes, William H., administrator	43	1
Hugo, William H	873	3
Hull, Mary E	863	3
Humbolt Female College	1281	4
Hume, Isaac, estate of	784	3
Humphries, Julia A	149	1
Hundley, William T	782	3
Hunter, Samuel G	1064	4
Huntsville, Ala., Methodist Episcopal Church	264	1
Hurdle, Eunice	597	2

Subject.	Rept.	Vol.
Hurley, Edward	1773	7
Hurley, R. A	2088	10
Huse, Caleb	2034	10
Huson, W. H	401	2
Hutchison, Mary Isabella	456	2
Hutchison and Southern Railroad, to grant right of way through Indian Territory	3	1
Hyatt, Margaret	1560	5
Hydraulic mining. (*See* Mines and mining.)		
Hyland, Patrick	523	2
I.		
Idaho:		
Times and places for holding courts in	309	1
To investigate labor troubles in	2016	10
Illegal practices. (*See* Courts of the United States.)		
Illinois River, to allow bridge at Havana	1175	4
Ilwaco Railway and Navigation Company, to grant right of way to	1295	4
Immigration, European, to print copies of special report made on	2133	10
relative to proposed investigation of	411	2
report on investigation of, at Ellis Island	2090	10
to print report of	2139	10
to enforce laws relative to	1573	5
Import duties, agriculture, effect of, on (inquiry)	191	1
binding-twine, to remove from	502	2
chocolate, to regulate on	1436	5
cotton-bagging, cotton-ties, cotton gins, to remove from	503	2
silver-lead ores	1372	5
tin plate, etc	1040	4
wearing apparel, to regulate amount brought in free of	1537	5
wool, to admit free of	501	2
woolen goods, to reduce on	501	2
Indian Affairs, relative to deeds and other records of the Office of	1316	5
Indianapolis, Ind., to erect public building at	1676	7
Western Paving and Supply Company	22	1
Indian appropriation bill (disagreement)	1052	4
Indians, allotment of lands to certain tribes of	2040	10
annual appropriation bill	325	2
Cherokees, to ratify agreement as to Cherokee Outlet	1631	5
Chickasaws, to pay for certain lands	1661	7
Choctaws, to pay for certain lands	1661	7
Citizen Band of Pottawatomies	851	3
citizenship for, relative to	1130	4
Colville Reservation, agreement with, on	1035	4
Colville Reservation, Senate amendments	1525	5
Delawares, payments to certain, for right-of-way damages, etc	122	1
Delawares, relative to claim of	1554	5
eastern band of Cherokees, for relief	1871	7
Kickapoos, agreement with	1662	7
Miami, payment to	1380	5
Missourias, to carry out treaty stipulations with	1633	5
Otoe and Missouria Reservation, to adjust the sale of lands in late reservation of	1793	7
Puyallup Reservation, to confirm agreement granting Northern Pacific R. R. right of way through	1945	7
relative to judgment and decrees of the highest courts of Cherokee, Creek, Choctaw, Chickasaw, and Seminole tribes of	1437	5
relative to lands of Mission tribe of	691	3
relative to pensions for services of certain	818	3

Subject.	Rept.	Vol.
Indians, Shawnees, relative to claims of	1554	5
Southern Utes, to confirm agreement with, in Colorado	1205	4
Stockbridge and Munsees, for relief of	558	2
to carry out unexecuted stipulations with certain, of treaty of Buffalo Creek	1853	7
trespassers, to protect from	1530	5
Umatilla Reservation, to grant Blue Mountain Irrigation and Improvement Company right of way	1963	10
Uncompahgre Reservation, to change boundary of	1076	4
White Mountain Apache Reservation, to change west boundary of	1857	7
Yuma Reservation, to grant Yuma Pumping Irrigation Company right of way	1856	7
Indian Territory, carriage of passengers by railroads in	1460	5
granting Gainesville, McAlester and St. Louis Railway Co. right of way through	386	2
also to Gainesville, Oklahoma and Gulf Railway Co	787	2
to exclude liquors from	1866	5
to extend railroad laws of Arkansas to	1893	7
to grant right of way to Hutchison and Southern R. R.	3	1
to investigate cattle on Cheokee lands in violation of law	2085	10
to investigate condition of, with reference to admission as State	1927	7
to regulate mines and mining in	162	1
Ingram, Ira	1624	5
Interior Department, to send models, drawings, etc., to World's Columbian Exposition	1513	5
Internal Revenue, for relief of certain employés in, who rendered service before date of qualification	371	2
relating to punishment for violating, laws	159	1
International American Bank, to incorporate	985	4
International arbitration, to invite nations to hold congress for, at Chicago	1957	10
International Geological Congress, to print copies of proceedings, etc	1341	5
International Navigation Company, to authorize sale of certain lands to, in the vicinity of Fort Miffin, Del	1944	7
Interstate commerce:		
Relative to uniform bills of lading	1988	10
To amend act regulating, in relation to special agents of the commission	1457	5
To amend act so as to allow special rates to commercial travelers	186	1
Compilation of laws relative to, and labor	1960	11
Institutions of learning, relative to encouraging establishing of, at National capital, etc	864	3
Isgrig, Thomas C	412	2
Israel, Pleasant R	1355	5
Izard, Florimond	832	3
J.		
Jack, John A	2022	10
Jackson, George	197	1
Jackson, Miss., Roman Catholic Church	903	3
Jackson, Tenn., First Methodist Church	15	1
Jamestown, N. Y., public building	1507	5
Jean, Francis, sr	832	3
Jefferson County, Ky., for relief of certain citizens of	374	2
Jefferson, Thomas, to purchase certain manuscripts and correspondence of	1231	4

Subject.	Rept.	Vol.
Jennings, James C	1906	7
Jennings, R. L	2042	10
Jergins, Jesse J	1777	7
Jobe, Lavina	1711	7
Jockinck, Gustavus F	612	2
Johnnot, William, legal representatives of	1133	4
Johnson, Anna P	1235	4
Johnson, A. S., administrator of Thomas	318	1
Johnson, Emma	1303	4
Johnson, Gilman L	537	2
Johnson, Hiram, and others	19	1
Johnson, Joseph	1265	4
Johnson, Joseph B	1271	4
Johnson, Peter, and others	1336	5
Johnson, Richard W	1369	5
Johnson, Rinaldo and Ann E	890	3
Johnson, Wells	1912	7
Joiner, Nathan	1889	7
Joliet, Ill., public building	1107	4
Jones, Aquilla	14	1
Jones, Andrew J	338	2
Jones, Benjamin F	2011	10
Jones, Francis S., estate of	651	2
Jones, Huff	1659	7
Jones, Isaac, estate of	648	2
Jones, John	1271	4
Jones, John H	597	2
Jones, John H., heirs of	103	1
Jones, John H., legal representatives of	722	3
Jones, Thomas C	648	2
Jordan, R. D., guardian	1272	4
Jouett, James E	929	3
	1641	5
Judd, Joanna	1618	5
Judgments. (*See* Courts of United States.)		

K.

Kagwaich, Sophia	1880	7
Kale, Wilson	1396	5
Kane, James	875	3
Kansas, claims of citizens of	602	2
homes for soldiers in	892	3
to create a third judicial district in	571	2
Kansas City, Kans., to erect public building at	2130	70
Kansas City, Mo., to extend limit of cost of public building	1108	4
Kansas River, granting right to dam	1438	5
to allow dams across, in Shawnee County, Kans	557	2
Kaylor, Daniel	1281	4
Keach, Albert	357	2
Keady, William P	1842	7
Keating, Martin	879	3
Keefe, Michael, deceased	94	1
Keegan, Mary E	330	2
Keel, George	1552	5
Keeves, A. S	61	1
Keightley, William M	1731	7
Kelly, Dennis	1477	5
Kelly, Elizabeth	65	1
Kelly, Francis J	1402	5
Kelly, Mary Clare	1318	5
Kelly, Peter, estate of	334	2
Kelly, Sarah A	2099	10

Subject.	Rept.	Vol.
Kelsey, James E., and others	674	2
Kendall, William, representatives of	361	1
Kennedy, Anthony M	807	3
Kennedy, John W	838	3
Kennedy, Leonora J	832	3
Kennedy, Lydia M	769	3
Kennedy, Margaret	95	1
	1671	7
Kennedy, P. B	764	3
Kennedy, Thomas H	1929	7
Kennerly, Charles M	702	3
Kennock, Dora E	1883	7
Kent, Henry O	1750	7
Kentucky and Indiana Bridge Company, to sell a piece of land to	1452	5
Kentucky, for relief of Simpson County court of	812	3
to regulate terms of United States courts in	1971	17
Keokuk, Iowa, to pay expenses of paving around public building at	2000	10
Kergon, Thomas	335	2
Kerr, A. C	657	2
Kittery, Me., to convey to, a portion of Fort McClary Military reservation	1439	5
Keyser, Esther A	603	2
Keystone National Bank, to investigate failure of	230	1
Kibler, Josiah and Jeremiah	784	3
Kickapoos. (*See* Indians.)		
Kilbourn, Benjamin J	1954	10
Kimball, Jonathan	548	2
Kimmons, William M	597	2
King, J. D	765	3
King, Orris O	204	1
Kingsley, Sterling	1775	7
Kirchner, George K	606	2
Kirkham, Charles M. and Guy, relative to lands owned in part by	1789	7
Kirkpatrick, S	2074	10
Kirtley, James W	1716	7
Klamath River Reservation, relative to disposal of	161	1
Klauser, Emanuel	1522	5
Knapp, Andrew B	1602	5
Knight, Joseph	1428	5
Knowlington, William C	1308	5
Kolbe, Carl F	96	1
Kolter, Fredrick E	949	4
Koons, Anthony	34	1
Kootenai River, to authorize construction of bridge at Fry, Idaho	1940	7
Kouns, John, surviving partner of George L	1386	5
Kounty, W. J	763	3
Kramer, Andrew	681	2
Kramer, Matilda S., and Mary W	1163	4
Kulage, Joseph, heirs of	1033	4
L.		
La Ambra Silver Mining Company, suit against, etc	1143	4
Labell, Charles	657	2
Labels, to allow registry of	1860	7
Labor, Commissioner of, to print seventh annual report of	2143	10
compilation of State laws relating to, and interstate commerce	1960	11
convict, relative to employment of, on Government works	1312	5
eight hours for	1267	4
investigating sweating system of tenement house	164	1
on public works, for protection of, and of furnisher of material	2124	10

Subject.	Rept.	Vol.
Labor, protection of persons furnishing, on public works	1973	10
relative to eight-hour law on Government works and employment of convicts	427	2
relative to statistics on questions affecting, etc	514	2
to enforce laws relative to importation of contract	1573	5
to investigate troubles at Homestead, Pa	1803	7
to investigate trouble in Idado	2016	10
Laborers, to exclude political influence in employment of	821	3
La Fayette Female College, Colbert County, Ala	650	2
Lafayette statue, for dedication of	1644	57
Lafferty, James	658	2
Lafleur, Ben M	832	3
Lafleur, Jean Pierre	832	3
Lafleur, Marcelin	832	3
La Grange College	650	2
La Grange (Tenn.) Synodical College	29	1
Lake, Daniel, deceased	1047	4
Lake Erie, ship canal to connect with Ohio River	1416	5
Lake, Romantus	748	3
Lake Superior, to improve navigation from head of, to the sea	185	1
Lam, James, estate of	783	3
Lanahan, John D	1753	7
Landes, Abraham	901	3
Land grants, relief of certain settlers on (Arizona)	987	4
to amend act forfeiting certain railroad, extending time to settlers, etc	1555	5
to amend law of 1890 forfeiting certain	1426	5
unsurveyed, of Atlantic and Pacific Railroad in Arizona and New Mexico	992	4
Land Patents. (*See* Pacific Lands.)		
Landram, William J	1474	5
Lane, Henry	1769	7
Lane, James	1832	7
Lane, Lewis	221	1
Lang, D. M	899	3
Lang, Nathaniel	450	2
Lanier, N. B	649	2
Laredo, Tex., to establish subport of entry at	544	2
	1014	4
to erect public building at	1104	4
Large, William	395	2
Larkin, William J	1854	4
Larned, Helen	2116	17
La Rue, Maria D	783	0
Lastrapres, Victor	832	3
La Torrrette, Henry S	1029	3
Lavery, William	1471	5
Law, Mary E	1615	5
Lawhead, William, administrator of John	327	2
Lawrence, L. J	1280	4
Lazare, Jean Baptiste	329	2
Leach, Orinda	770	3
Leahey, Michael	636	2
Leave of absence, to grant thirty days to employés in Bureau of Engraving and Printing	408	2
to grant, to per diem employés	1036	4
	1213	4
Leduff, Alexis	832	3
Lee, A. S	281	1
Lee, Franklin	881	3
Lee, Hon. W. H. F., to print eulogies on	426	2
Lee, John	1298	4
Lee, Lucy Ann and Allen G	287	1

Subject.	Rept.	Vol.
Lefoldt, Julius	785	3
Leftwich, Gertrude A	28	1
Legg, A. C. (deceased)	1274	4
Legislative, judicial, and executive appropriation bill, report on	1526	5
Leibarger, Phebe, estate of	862	3
Leiper, James	1281	4
Lemelle, Charles, estate of	832	3
Lemelle, E.	1279	4
Lemelle, Leon	832	3
Lemelle, Ludger, estate of	832	3
Lemelle, Rigobert, estate of	832	3
Lement, Pierre	832	3
Leonard, Lois P	1083	4
Lernard, Helen	2116	10
Lewis, Abner D	658	2
Lewis, John W	1581	5
Lewis, Mary A	1224	4
Ley, John Henry	2078	10
	2083	10
Library of Congress, to exhibit books, etc., at World's Columbian Exposition	570	2
Lick Observatory, to set apart a tract of land for	252	1
Life-saving appliances. (*See* Steamers.)		
Life-Saving Service, to increase pay of keepers and crews in	508	2
Life-saving station, to establish, at Gay Head, Mass	188	1
	1043	4
East Marion, Long Island, N. Y	1689	7
Lights (including buoys, fog signals, etc.), to establish, etc., at—		
Butler Flats, New Bedford, Mass	187	1
Great Lakes (sundry)	1041	4
	1458	5
Martello Tower, Tybee Island, Georgia	916	3
Middle and Thunder Bay islands	1501	5
Tampa Bay, Florida	572	2
Tibbetts Point, New York	1648	7
Willamette River	1256	4
Lillard, B. (estate of)	1278	4
Lincoln, Nebr., to pay for paving around Government building at	1686	7
Linn, Jane	152	1
Lints, J. J	917	3
Lipscomb, James C	1268	4
Liquor traffic, Indian Territory, to exclude, from	1866	7
Litten, Julius B	1271	4
Little, John	786	3
Little Rock and Memphis Railroad Company	885	3
Little Rock, Ark., for improvement of public building and grounds at	1113	4
road to cemetery	1021	4
to establish military post near	757	3
Littleton, N. H., terms of United States courts for	442	2
Livers, Fanny S	1500	5
Livingston, Anne C	68	1
Locke, Sarah J	1738	7
Lockwood, Chauncey M	1604	5
Lofland, H	1246	4
Logan, John S., assignee	60	1
Logan, Mary T., widow of A. L	651	2
Logansport, Ind., to erect public building at	1823	7
Lomasney, Susan	1392	5
Long, Francis, and others	642	2
Long, Henry W	657	2
Long, James W	1140	4
Loudoun County, Va., for relief of loyal citizens of	1018	4
Louisville, Ky., to sell old custom-house building at	1106	4

Subject.	Rept.	Vol.
Lovelace, Emma C	241	1
Lovell, Louise I., and others	12	1
Lovell, Margaret Jane	1366	5
Lowe, William W	1127	4
Luchman, William	785	3
Luke, Elizabeth S	1718	7
Lusk, Soloman	434	2
Lutterloh, Thomas S	1723	7
	2037	10
Luttrell, Samuel	1961	10
Lutz, Andrew	141	1
Lutz, Morris	784	3
Lynch, John A	71	1
	1577	5
Lyon, Harry	1948	7
M.		
McBrayer, John H	1543	5
McCabe, Elizabeth	1241	4
McCabe, James	1699	7
McCammon, James	73	1
McCann, Michael	1191	4
McChesney, Mary D	2071	10
McClintock, Joseph B	148	1
McClure, Daniel	99	1
McColmant, Elisha	1027	4
McConnell, C. J	419	2
McCool, Wells C	466	2
McCormack, A. P., charges against	739	3
McDermott, Martin	1561	5
McDonald, Orin A	951	4
McDonald, Orin R	947	4
McDougall, George, representatives of	839	3
McElhose, James B	1704	7
McElvey, Harmon H	489	2
McFarland, James A	195	1
McGarrahan, William	245	1
	1587	5
McGeorge, Betsey	2063	10
McGloughlin, Virginia	329	2
McGuffee, G. V., sr	332	2
McKeesport, Pa., to erect public building at	2112	10
McKenzie, Lewis	165	2
McKinney, George W	1755	7
Mackintosh, James C	1535	5
McLaughlin, Ammon	1386	5
McLaughlin, Nelson	317	1
McLaughlin, Thomas A	948	4
McLean, Cornelius	594	2
McLean, Louise E	1272	4
McLean, Sarah K	1313	5
	1668	7
McLellan, Leander C	1594	5
McLemore, Sarah L., administratrix of John C	333	2
McLeod, Daniel, administrator of	797	3
McMahan, John	382	2
McMinnville (Tenn.) Cumberland Female Church	18	1
McMurdie, Maria	2038	10
McMurtrey, John	1271	4
McNairy, Hugh	126	1

Subject.	Rept.	Vol.
McNamara, Stephen	1275	4
McNeil, Jane	1740	7
McNeil, John C	661	2
McNeil, Quincy	644	2
Macon City (Mo.) Catholic church	1592	5
McPherson, George H	1226	4
Maddox, Laura E	886	3
Maddox, Margaret Virginia	970	4
Maddox, Martin	1722	7
Madison Female Institute	1050	4
Magill, Lydia A., administratrix	323	2
Maguire, Ellen	63	1
Mailloux, Belle Carlton	1085	4
Mail service, consolidation of third and fourth class matter	1311	5
free delivery for rural districts	1532	5
relative to letting of, in certain cases on star routes	690	3
subsidies for, on ocean	699	3
Malloy, John	1996	10
Mammoth Hot Springs, to erect post-office building for	1570	5
Manning, James	2019	10
Map of United States, distribution of, to public schools	1404	5
Marcy, Daniel	1702	7
Marine Corps, promotions in	1502	5
relative to pay and allowances of retired enlisted men in the	824 826	3 6
Marine Hospital Service, to improve hospital at Chicago	855	3
Marinette and Western Railroad Company, to grant right of way through Menomonee Reservation	347 692	2 3
Markham, Pleasant	585	2
Marklein, Charles	470	2
Marks, George A	2036	10
Marquette, Mich., to extend the immediate transportation act to	853	3
Marriage and divorce, relative to amendment of Constitution of the United States to give Congress jurisdiction over	1291 1290	4 4
Marsh, Samuel	151	1
Marshall, George	898	3
Marshall, Levin R., executors of	260	1
Marshall (Mo.) Christian Church	1065	4
Martello tower (Tybee Island), Georgia, to authorize use of, for signal station	916	3
Martin, Cyrus	554	2
Martin, John J., heir of Joseph	1279	4
Martin, Mary	2058	10
Martinsburg, W. Va.:		
St. Joseph's Catholic Church	211 467	1 2
German Evangelical Church	212	1
Methodist Episcopal Church	213 465	1 2
Maryland Fire Insurance Company, Baltimore	1730	7
Massillon, Ohio, to erect public building at	1124	4
Mastick, Henry, administrator of	1058	4
Mastin, Claude H	150	1
Matchett, William B	1859	7
Materials, protection of persons furnishing, on public works	1973	10
Matheny, Thomas M	396	2
Mathews, F	1195	4
Mathews, William D	72	1
Matlock, E. S., estate of	597	2
Matlock, John	2032	10
Matlock, Thomas J	2056	10
Maverick National Bank, to investigate	230	1

Subject.	Rept.	Vol.
Maxwell land grant, relative to alleged conspiracy in connection with	1824	7
Maynadier, William M	668	2
	1640	5
Meades, Zaddock	661	2
Meaher, Timothy, administrator of J. M	651	2
Medical officers. (*See also* Army.)		
Relative to status of, who served in civil war	1067	4
Medical congress, to authorize the President to extend invitations to a pan-American	1791	7
Meeha, Catherine B	346	2
Melbourne Industrial Exhibition, for additional compensation to assistant commissioners	1378	5
Melvin, Fordyce R	2104	10
Memphis, Tenn., Overton Hotel Company	331	2
Menefee, Mary A	1772	7
Menominee Reservation, to grant Marinette and Western Railroad right of way through	347	2
	692	3
Mercer, John	900	3
Merchants and Miners' Transportation Company	1728	7
Merchants' National Bank (Baltimore)	1730	7
Merchant vessels of the United States, to print list of	2140	10
Meredith, Frederick	494	2
Merriam, J. E	1475	5
Merritt, Edwin A	683	2
Merritt, Henry	1778	7
Messengers. (*See* House of Representatives.)		
Methodist Episcopal Church (South), relief of book agents of	20	1
Metoyer, Benjamin, (heirs of)	1326	5
Metropolitan Railroad Company, to amend act of 1891 relating to forfeiture in certain contingencies	1847	7
Metals, to print report on production of precious, in United States for 1891	1280	4
Meuillon, Alphonso	832	3
Meullion, Francis	329	
Meuillon, Lucien	832	3
Mexico, to promote closer trade relations with	1135	4
Mexican Gulf, Pacific and Puget Sound Railroad Company—		
To grant right of way through certain public lands and use of portions of reservation at Pensacola, Fla	1792	7
To allow to bridge certain rivers in Alabama	1319	5
Mexican war. (*See* War with Mexico.)		
Miami Indians, for payment to	1380	5
Michigan Cavalry, First Regiment of, expenses of	436	2
Middle and Thunder Bay islands	1501	5
Middletown, Md	747	3
Miles, William T	1053	4
Military Academy—		
Annual appropriation bill for	5	1
Appropriations for	925	3
Fixing rank of master of sword	1414	5
Military posts—		
For the enlargement of Fort Wayne, Ind	1642	7
Helena., Mont., to establish	623	2
Little Rock, Ark	756	3
Vermont (between Burlington and Highgate)	297	1
Military reservations—		
Eastport, Me., to dispose of	1230	4
For disposal of certain abandoned in Wyoming	1942	7
Fort Sidney, to grant to Sidney, Nebr., for cemetery purposes	1261	4
Oklahoma City, Okla	1020	4
Military telegraph lines	1005	4
Militia, relative to efficiency of	754	3

Subject.	Rept.	Vol.
Millard, Mary	1162	4
Miller, David	1146	4
Miller, James	662	2
Miller, Martha E	2062	10
Millet, Francis	359	2
Milley, S. B., administrator of estate of Mary E	784	3
Millican, William	878	3
Milliken, Samuel, heirs of	676	2
Mineral Lands (*see* Public Lands)	1415	5
Mines and Mining, hydraulic mining in California	937	3
to establish executive department of	1003	4
to regulate, in the Indian Territory	162	1
Minnesota, lands for public park at the headwaters of the Mississippi River in	694	3
Minors. (*See* War of rebellion.)		
Mission Indians. (*See* Indians.)		
Mission Indian Commission, relative to carrying out recommendation of	691	3
Mississippi, clerks in United States courts in	932	3
Mississippi River, to allow bridge at Davenport, Iowa	619	2
Moline, Ill	941	3
Quincy, Ill	912	3
South St. Paul, Minn	8	1
relative to willful injury of public works on	767	3
Missouri, relative to status of militia engaged in the civil war	695	3
time of holding courts for western district	765	3
Missouri River, to allow bridges at—		
Chamberlain, S. Dak	911	3
Dewitt, Mo	689	3
Omaha, Nebr	1688	7
St. Charles, Mo	910	3
Yankton, S. Dak	1176	4
Mitchell, James A	657	2
Mitchell, Katie P	64	1
Mitchell, Sophia G	652	2
Mixon, William	1650	7
Mobile and Girard Railroad Company	341	2
Mobile Marine Dock Co	46	1
Mobile River, to allow Chicago, Mobile and Gulf Ports Railroad Company to bridge	1685	7
Moffitt, Alexander	31	1
Mohan, Elizabeth	641	2
Monahan, Mary E	327	2
Monopolies, to protect trade and commerce from unlawful restraints and	1418	5
Monroe, Andrew J	2080	10
Monroe, Thomas C., estate of	833	3
Montana, to establish the southern judicial district of	1816	7
Montana Mineral Railway Company, to allow right of way across Yellowstone Park Reservation	654	3
Montgomery, Robert H	461	2
Montgomery, Hugh, deceased	1279	4
Montgomery, Mary Ann	1691	7
Montgomery, Oliva F	332	2
Montgomery, Pearson C	30	1
	1649	7
Monuments, Fort Greene, to memory of victims of British prison ships	169	1
Gen. David Morgan	471	2
Lafayette, dedication of statue of	1644	7
Maj. Gen. Nathanael Greene, at Guilford court-house	472	2
Père Marquette, statue of	990	4

Subject.	Rept.	Vol.
Monuments, Saratoga, N. Y	168	1
to erect, at Put-in-Bay to memory of Oliver Hazzard Perry and men	1214	4
William Henry Harrison	1217	4
William T. Sherman, pedestal	1459	5
Moody, B. F. & Co	279	1
Moonlight, Thomas	828	3
Moore, Stativa, estate of	330	2
Mordecai, J. Randolph, administrator of M. C	717	3
Mordecai, M. C., administrator of	717 1139	3 4
More, Robert	581	3
More, Stephen, administrator	17	1
Morehead City, N. C., Methodist church	1430	5
Morehead, Mary A	1306	5
Morgan, Benajah	1977	10
Morgan, Daniel, to erect monument to	471	2
Morgan, Robert E	77	1
Morgan, Thomas P., jr	1056	4
Morin, Catherine, heirs of	133	1
Morris, Jennie B	459	2
Morrison, James	1535	5
Morrow, William B	282	1
Mosely, William, jr	1695	7
Moss, William, estate of	703	3
Mount Sterling, Ky., to erect public building	1822	7
Mount Zion Society	439	2
Mower, Joseph A., legal representatives of	1307	5
Mullin, Mary P	1335	5
Mullins, Martin	1189	4
Muncie, Ind., to erect public building at	2108	10
Munday, G. W., administrator	832	3
Munsees. (*See* Indians.)		
Murder. (*See* Courts of United States.)		
Murdock, Emily	1371	5
Murphy, Dennis, sureties of	575	2
Murphy, James	649	2
Murphy, James, heirs of	1489	5
Murphy, J. J	330	2
Murphy, Susan S	1979	10
Murray, B. Jennie	775	3
Murray, Francis M	35	1
Murray, George W	718	3
Murray, Joseph	202	1
Musgrave, Emeline E	303	1
Myers, B. F	835	3
N.		
Nalley, Samuel M	302	1
Nash, Joseph C	85	1
Nashua, N. H., to erect public building at	1122	4
Nason, Ralph Waldo	1534	5
Natchez, Miss., to erect public building at	1168	4
National Academy of Sciences, to print extra copies of, for 1891	1345	5
National banks, relative to receivers of	922	3
required to redeem lost or stolen notes	1059	4
safety, control, etc., of national	233	2
National Capitol. (*See* Washington, D. C.)		
National cemetery, road near, Little Rock, Ark	1021	4
National Guard, additional artillery for	1059	4
National highway commission, to create	2045	10

Subject.	Rept.	Vol.
National Home for Disabled Volunteer Soldiers:		
Pensioners in	1840	7
Relative to appointment of officers for	250	1
To use Fort Hayes reservation for	892	3
To fill vacancies in board of managers of	505	2
National Museum, to print report for 1891	2141	10
National Safe Deposit Company, to change incorporate name	175	1
National sanitarium, to establish in northern New Mexico or southern Colorado	1463	5
Naturalization, amending laws relative to	697	3
Naval appropriation bill, report on	621	2
Senate amendments	1453	5
Naval Observatory, to change management of	926	3
Navy, Engineer Corps	1491	5
engineers, to terminate reduction in, of	440	2
enlisted men, number of	1504	5
enlisted men, to authorize retirement of certain	2051	10
Marine Corps, to regulate promotions in	1502	5
moiety claims of officers and crews in the	242	1
Navy Department, contracting for supplies, etc	1417	5
detail of assistant to Chief of Bureau of Navigation of	1989	10
Neal, W. H., estate of	1280	4
Neal, William M	2115	10
Nebraska, to reimburse for repelling Sioux invasion	1541	5
ordnance stores and supplies for	2120	18
Neck, George, sr	832	3
Neet, John S., jr	225	1
Neidlinger, Charles V	1007	4
Nevada, Indian war claims of citizens of	117	1
war of rebellion, claim of	254	1
New, Adelia	1445	5
Newark, N. J., to make a port of immediate transportation	272	1
New Bedford, Mass., granting certain lands to, for a public park	1398	5
New Bedford (Butler Flats), Mass., light and fog-signal station near	187	1
Newell, Jane, estate of	1281	4
Newell, Jesse C	1333	5
New Haven, Conn., National New Haven Bank	1493 667	5 2
Newkirk, Isabella W	2106	10
New Madrid location survey, to confirm patent	1542	5
Newman, James M	524	2
New Mexico, additional land office in	1399	5
admission of	736	3
Capt. Céran St. Vrain's company of volunteers	1435	5
land titles in	1253	4
relative to law of timber cutting on public lands in	1379	5
to issue bond to restore capitol building	1575	5
unsurveyed lands in grant of Atlantic and Pacific R. R., in	992	4
New Orleans, La., Union National Bank	86	1
for relief of Odd Fellows' Hall, association of	402	2
Newport News, Va., to erect public building at	1103	4
Newton (Mass.), First National Bank of	2014	10
New York, claim growing out of war of 1812	220	1
payment of duties on arms	1034	4
terms of United States courts in northern district of	1013	4
New York city, for relief of certain port wardens in	1779	7
night inspectors at port of	2027	10
to erect custom-house	1742	7
New York, Lake Erie and Western Railroad Company	1484	5
Nickles, John	705	3
Nichols, Frank H., estate of	243	2

Subject.	Rept.	Vol.
Niles, Harriet E	2005	10
Nindeman, William F. C	981	4
Nixon, Henry C	661	2
Noble, Lester	480	2
Noble, Noah, heirs of	92	1
Noble, Sarah A	1451	5
Noland, William H	1280	4
Nonresident pensioners. (*See* Pensions.)		
Norfolk and Western Railroad Company, to allow to extend line into District of Columbia	1628	5
Norman, Seaton	1619	5
	1952	7
North Dakota, correcting descriptions of certain public lands granted to	385	2
relief of settlers on certain lands in	1870	7
to divide judicial district of	983	4
to publish report on climatic features of	2147	10
Northern Pacific Railroad, to confirm agreement for right of way through Puyallup Indian Reservation	1945	7
Northrup, Anson	2066	10
Northrup, Charles	1270	4
Noyes, Henry T., contested-election case of	968	4
Noyes *vs.* Rockwell, contested-election case of	968	4
Nutt, Julia A., executrix	1800	7
O.		
Oakland, Cal., public building at	843	3
Oakley, E. C., administrator	1280	4
O'Brien, Michael	1153	4
O'Brien, Oliver	2035	10
O'Brien, William D	314	1
Ocean mails service. (*See* Mail Service.)		
Ockerson, Daniel J	283	1
O'Connor, Mary	1301	4
Odle, H. D	1798	7
Office of Indian Affairs. (*See* Indian Affairs.)		
Ogdensburg, N. Y., to make port of immediate transportation	235	1
Oglesby, L. T	1433	5
Ohio River, to authorize a bridge across, between Cincinnati, by Rapid Transit Bridge Co	2079	10
relative to a ship canal to connect with Lake Erie	1416	5
Oklahoma City, Okla., military reservation at	1020	4
Oklahoma Territory, relative to district courts of	944	4
funding county debts of	991	4
reserving certain lands in, from entry	1095	4
additional supreme judge for	1413	5
relative to carriage of passengers by railroad in	1460	5
to extend the railroad laws of Arkansas to	1893	7
amend act for temporary government of, relating to courts	2054	10
Okolona, Miss., Independent Order of Odd Fellows	648	2
Old Dominion Steamship Company	673	2
	1902	7
Oleomargarine, to subject to laws of States	913	3
Oliver, Aaron J	100	1
Oliver, James M	1406	5
O'Neal, Jacob	1873	7
Options, to define and tax	969	4
Orbison, Josiah B	1844	7

Subject.	Rept.	Vol.
Oregon, war of rebellion claim of	254	1
to establish sundry lights, etc., in State of, on Willamette River	1256	4
Oregon and Washington Bridge Company	816	3
O'Reilly, Thomas P	643	2
Ores, to remove duties on silver-lead	1372	5
Orr, George A	1222	4
Osage River, to allow bridge across, at Warsaw	618	2
Osgood, James H	979	4
O'Shea, P. T	649	2
Otis, George K., representatives of	1726	7
	2044	10
Otis, Samuel	69	1
Ottstotts, Fredrick	599	2
Overton Hotel Company	331	2
Owen, Isham T	1496	5
Owen, L. D	1931	7
Oyster beds, relative to damage done to, in Raritan Bay	2050	10
P.		
Pacheco, Juan	1159	4
Pacific coast, revenue cutter service for	819	3
Paillett, Hilliare, estate of	832	3
Palmatier, Eliza T	1879	7
Palmer, N. F., jr., & Co	1774	7
Pan-American Medical Congress, to authorize the President to extend invitations to	1791	7
Pangborn, Sarah L	1645	7
Pansy (light-house steamer), to remit penalties on	986	4
Parish, J. W	430	2
Parker, D. S	1195	4
Parker, Mary F	1304	5
Parker, Rebecca V., estate of	832	3
Parks. (*See* Public Parks.)		
Parsons, Marrilla	1434	5
Patented articles, protection of innocent users of	1826	7
Patents, revising and amending statutes relating to	1494	5
Patterson, David K	648	2
Paterson, N. J., public building at	1102	4
Patton, S. K. N	180	1
	313	1
Payne, James, & Co	75	1
Payne, John Howard, heirs of	355	2
	1478	5
Payne, William B	259	1
Pedersen, Mathias	1201	4
Peeden, Martha J., administratrix of Haywood Peeden	1271	4
Peirce, Charles H	1297	4
Peirce, Eliza B	1837	7
Pellitier, E. W	661	2
Pemberton, Fannie	306	1
Pensacola, Fla., for relief of Escambia Lodge, No. 15, F. and A. M. of	565	2
Pensacola Terminal Company, right of way over naval reservation	1503	5
Pensions, amendment to laws to place Navy on footing with Army in matter of disabilities	1292	4
amendment to pension laws relating to disabilities in the Navy	1292	4
appropriations for	525	2
army nurses	802	3
deafness, to increase rate for	1920	7
declarations, relative to execution of, in claims	559	2
deficiencies in appropriations	1580	5

Subject.	Rept.	Vol.
Pensions, disloyalty, bill to amend Revised Statutes relating to those dropped from the rolls for	614	2
evidence, relative to cases of	627	2
for widows, and minor children of soldiers disabled while in service	1260	4
Indian wars, survivors of certain	818	3
laws, for the revision of	1853	7
Mexican war, to grant increase of, in certain cases	1959	10
nonresidents	1509	5
rate, intermediate, for specified disabilities	515	3
rate of, to establish an intermediate, for specific disabilities	1264	4
Soldiers' Homes, relative to ceasing payment of	1840	7
to allow examinations of papers by claimant of	1531	5
to increase rate for total deafness	1263	4
widows, restoring right of, to	2068	10
widows and children, to amend laws, relative to, of soldiers who died in service	500	2
Pension laws, for a general revision, etc., of	1853	7
Pension Office, to investigate management and methods of	257	1
report on investigation of, part 1	1868	8
part 2	1868	9
to print report on investigation of	2145	10
Pennsylvania, to reimburse, for money paid militia service in civil war	167	1
to reimburse, for damages to citizens by armies	166	1
claim growing out of war of 1812	220	1
Père Marquette, to accept statue of, in House of Representatives	990	4
Perkins, George H	1498	5
	1899	7
Perry, Oliver Hazard, to erect monument to, at Put in Bay	1214	4
Perry, O. H., administrator of George W. Perry	1801	7
Peters, John L	613	2
Petwood, Brightwood and Tacoma Railway Company, to incorporate	1289	4
Philadelphia, Pa., improvement of harbor of	622	2
Philbrook, Mrs. C. E	1448	5
Phillips, James B	1466	5
Phillips, John C	1890	7
Phillips, O. P	388	2
Phipps, Ellis P	740	3
Pierce, William	1754	7
Pine Bluff, Ark., to erect public building at	2126	10
Pinkerton Agency, relative to investigation of	1376	5
Pitcher, William, heirs of	69	1
Pittsburg, Fort Wayne and Chicago Railroad Company, to establish division line between lands of, and of United States	842	3
Pittsburg, Pa., to authorize sale of property of United States at	1743	7
Pitzer, T. T	1409	5
Plant, George H	511	2
Platte City, Mo., Presbyterian church and Masonic lodge	1031	4
Platte County, Mo	1796	7
Plattsmouth, Nebr., to erect public building at	2052	10
Pneumatic Dynamite Gun Company, New York, to remit penalties on cruiser *Vesuvius*	1680	7
Pneumatic postal communication, report on memorial to investigate	2049	10
Point Pleasant, W. Va., Methodist church	827	3
Poitevent, William T	1652	7
Poland, Alexander, estate of	394	2
Pollard, A. W	128	1
Ponder, D. K	778	3
Pope, Daniel T., and others	1025	4

Subject.	Rept.	Vol.
Porche, Louis V	1428	5
Ports of delivery, to make, at—		
Council Bluffs, Iowa	507	2
Des Moines, Iowa	852	3
Ports of entry (including subports, etc.), to establish at—		
Laredo, Tex	544	2
	1014	4
Punta Gorda, Fla	1210	4
Superior and Ashland, Wis	999	4
Velasco, Tex	545	2
West Point, Va	443	2
Ports of immediate transportation, to extend act making, to—		
Fernandina, Fla	1218	4
Ogdensburg, N. Y	235	1
Newark, N. J	272	1
St. Augustine, Fla	1539	5
Port wardens, for relief of certain, in New York and Brooklyn	1779	7
Postage, relative to free, on Government correspondence	696	3
semiweekly and triweekly publications	1951	7
to make uniform, on third and fourth class matter	1311	5
Postal clerks. (*See* Railway Mail Service.)		
Postal laws, to amend, relative to official envelopes for business of the Government	696	3
Postal notes, for issue of fractional	1314	5
Letter-carriers, to increase, etc., pay of	1725	7
Postmasters, appointment of fourth-class	1403	5
relative to expenses of convention of, in Washington, D. C	1006	4
Postmaster-General, to investigate connection with Pneumatic Postal Company	2049	10
Post-Office appropriation bill, report on	1135	4
Post-Office Department, appropriation to pay salary of superintendent of free delivery	9	1
Potomac River, relative to fish, etc., in	1953	7
Potomac Steamboat Company	512	2
Pottawatomies. (*See* Indians.)		
Pottsville, Pa., public building	1508	5
Poullain, Mildred P	417	2
Powel, Sarah A	327	2
Prather, Thomas T	1156	4
Prator, John D	1776	7
Pratt, Albert J. (administrator)	1385	5
Precious metals. (*See* Metals.)		
President, resolution to print copies of annual message of	308	1
also of Chile message	307	1
proposed constitutional amendment relative to election of, etc	543	2
to amend act providing for succession in cases of death or removal	160	1
to print report of Senate, Forty-third Congress, on mode of election of	800	3
Price, Rodman M	1693	7
Price, William B	1090	4
Priddy, John D. (heirs of)	1958	10
Priest, Mathew S	435	2
Pringle, William N	1810	7
Printing, relative to, binding, etc., of public documents	1092	4
Pritchard, Catherine M	399	2
Private Land Claims, Court of	908	3
to amend act establishing Court of	1173	4
Protestant Episcopal Cathedral Foundation, to incorporate (in the District of Columbia)	1900	7
Providence, R. I., public-building site	1121	4

Subject.	Rept.	Vol.
Public buildings, to erect at (also increased costs and sites)		
Allentown, Pa	2109	10
Alpena, Mich	1849	7
Ann Arbor, Mich	1110	4
Anniston, Ala	1097	4
Baltimore, Md	2111	10
Bedford City, Va	1118	4
Boise, Idaho	1111	4
Bradford, Pa	1999	10
Bridgeport, Conn	2110	10
Brockton, Mass	1116	4
Brunswick, Ga	1105	4
Buffalo, N. Y	1117	4
Camden, N. J	1506	5
Cheyenne, Wyo	1119	4
Chicago, Ill	567	2
(post-office, etc.)	566	2
Clinton, Iowa	1099	4
Cumberland, Md	1096	4
Decatur, Ill	1528	5
Durham, N. C	1123	4
East St. Louis, Ill	1946	7
Elgin, Ill	1505	5
Elizabeth, N. J	1744	7
Elmira, N. Y	1848	7
Findlay, Ohio	1819	7
Fitchburg, Mass	1820	7
Fond du Lac, Wis	844	3
Gallipolis, Ohio	1124	4
Gardiner, Me	1100	4
Hartford, Conn	1821	7
Hastings, Nebr	1098	4
Helena, Mont	1112	4
Henderson, Ky	1976	10
Hoboken, N. J	1794	7
Indianapolis, Ind	1676	7
Jamestown, N. Y	1507	5
Joliet, Ill	1107	4
Kansas City, Kans	2130	10
Kansas City, Mo	1108	4
Keokuk, Iowa, pavements	2000	10
Laredo, Tex	1104	4
Lincoln, Nebr	1686	7
Little Rock, Ark	1113	4
Logansport, Ind	1823	7
McKeesport, Pa	2112	10
Mammoth Hot Springs	1570	5
Massillon, Ohio	1124	4
Mount Sterling, Ky	1822	7
Muncie, Ind	2108	10
Nashua, N. H	1122	4
Natchez, Miss	1168	4
Newport News, Va	1103	4
New York City	1742	7
Oakland, Cal	843	3
Paterson, N. J	1102	4
Pine Bluff, Ark	2126	10
Plattsmouth, Nebr	2052	10
Pottsville, Pa	1508	5
Providence, R. I	1121	4
relative to planning and construction of	1078	4
Reno, Nev	2127	10
Rome, Ga	2121	10

Subject.	Rept.	Vol.
Public buildings, to erect at (also increased costs and sites)—Cont'd.		
St. Paul, Minn	1252	4
Salem, Oregon	845	3
Selma, Ala	1572	5
Spokane, Wash	1109	4
Suspension Bridge, N. Y	1115	4
Tampa, Fla	1569	5
Waterbury, Conn	1120	4
Wilkesbarre, Pa	1101	4
Public documents, to provide for printing of:		
Bankrupt bill	2075	10
Bureau of Animal Industry, eighth and ninth annual reports of	1339	5
Bureau of Ethnology, eleventh and twelfth annual reports	1338	5
Civil Service Commission, eighth annual report	1337	5
Coast and Geodetic Survey, report of superintendent	1342	5
Commissioner of Fish and Fisheries, report of, for 1889-'90 and 1890-'91	1344	5
Congressional documents, list of	1340	5
Diseases of the Horse	726	3
Election bill, to print 10,000 copies	1865	7
Eulogies on F. B. Spinola	2095	10
Eulogies on Hon. E. K. Wilson	2093	10
Eulogies on Hon. John R. Gamble	1128	4
Eulogies on Hon. Leonidas C. Houk	364	2
Eulogies on Hon. W. H. F. Lee	426	2
European immigration, report on	1347	5
Geographical names, report of United States Board on	474	2
International Geological Congress	1341	5
Manual and Digest of Rules of House of Representatives	762	3
Monument at Yorktown, proceeding of formal presentation	1343	5
National Academy of Sciences	1345	5
Precious metals, production for 1891	1208	4
President's message relative to Chile	307	1
Proceedings on presentation of portraits of ex-Speakers Randall and Grow	229	1
Relative to printing, binding, distribution, etc., of	1092	4
Revised Statutes, to continue publication of	1867	7
Senate report of Forty-third Congress on election of President, etc	800	3
Statistical abstract for 1891	2094	10
Survey made pursuant to act of March 2, 1891	2135	10
Tables showing contents of Annals of Congress, Congressional Debates, etc	365	2
Public lands, amending forfeiture act on railroad grants to extend time to actual settlers	1555	5
arid, for reclamation of	569	2
Arizona, settlers in Tucson district	1664	7
building-stone lands, relative to entry of	1204	4
contest, to extend right of, to heirs in cases	483	2
correcting description of certain, granted to Territory of Dakota	385	2
declaring meaning of act to repeal timber-culture laws	1495	5
desert-land law, to fix price of	1993	10
forest reservations, relative to request for information of in California	2096	10
mineral, for examination and classification of certain	1415	5
mineral lands, for examination and classification of certain	1416	5
North and South Dakota, relief of settlers on certain	1870	7
Oklahoma, reserving certain, from entry	1095	4
Otoe and Missouria Reservation, for adjustment of certain sales on, of	1793	7

Subject.	Rept.	Vol.
Public lands, patents, extending jurisdiction of Court of Claims in	1706	7
patents, relative to, of lands settled in Florida under act of August 14, 1842	1975	10
protection of settlement rights	1485	5
relative to abandoned military reservation of, in Wyoming	1942	10
stone lands, relative to disposal of	482	2
swamp land grants, to adjust claims of States under	1571	5
swamp grants, to adjust, fix limitation for filing, etc., claims for	296	1
timber, relative to proofs of purchase	1943	7
timber cutting, amending statutes at large so as to include New Mexico and Arizona in the law relating to	1379	5
timber lands, relative to disposal of	482	2
to open to settlement, acquired from Cheyenne and Arapaho Indians	478	2
Wisconsin, sale of timber on certain, in	1077	4
Public parks, to establish in Minnesota	694	3
Public works, protection of persons furnishing labor and materials for	1973 2124	10 10
Publications, postage on certain semi and triweekly	1951	7
Punta Gorda, Fla., sub-port of entry at	1210	4
Put-in-Bay, to erect monument to commemorate battle of Lake Erie	1214	4
Putman, Eunice	2098	10
Puyallups. (*See* Indians.)		
Pyer, Charles G	1804	7
Q.		
Quarles, W. A	1009	4
Quigg, Caroline E	184	1
Quinn, William H	370	2
Quintard, George W	1049	4
R.		
Rabot, Jean Baptiste	832	3
Railroads, couplers and safety appliances	1678	7
relative to combination of the Philadelphia and Reading and other	1630	5
special rates by, to commercial travelers	186	1
tickets interchangeable 5,000 miles	1694	7
Railroad land grants. (*See* Land grants.)		
Railway mail service, salaries of clerks in the	624	2
Raleigh, N. C	1697	7
Ramey, Jonathan	488	2
Ramsey, F. Y	90	1
Randall, Samuel J., to print proceedings on presentation of portrait	229	1
Randleman, John H	144	3
Randolph, J. P	609	2
Ransom, Dunbar R	950 1766	4 7
Raritan Bay, to examine and report on claims of damages done to oyster beds	2053	10
Rather, James (and others)	1281	4
Ray, (*née* Willet), Vienna	784	3
Raymond, William G	1070	4
Rea, John A. (estate of)	1287	4
Read, Edith S	1558 1886	5 7

Subject.	Rept.	Vol.
Read, Henry A	453	2
Read, John B	372	2
	779	3
Reardon, Mary Catherine	532	2
Receivers (*See* National Banks).		
Record. (*See* Congressional Record).		
Record of volunteer armies. (*See* War Department.)		
Red Cross Association, to protect insignia of	1790	7
Redfern, Joseph and Eliza	1611	5
Redmond, Karoline C	1425	5
Red River, Louisiana, to authorize construction of a bridge across by Rapides Bridge Company	1851	7
Red River of the North, to allow bridge across	1687	7
Redemption. (*See* Treasury.)		
Reed, David	806	3
Reed, James, jr	1353	5
Reed, Thomas B	1192	4
Reese, Charles	2070	10
Reeves, Clement	2117	10
Reeves, George W., estate of	659	2
Reeves, Louisa J	1623	5
Regan, James	996	4
Regan, James, U. S. Army	288	1
Registers and receivers, fees of	989	4
Reilly, John	995	4
Reik, Emily	1739	7
Reiner, Herman and Herman, jr	1613	5
Reitz, Jonas F	1336	5
Renfro, Nancy E	224	1
Reno, Nevada, to erect public building	2127	10
Reserve fund. (*See* Treasury.)		
Restle, Leger	330	2
Revenue Cutter Service, construction of cutter for San Francisco	384	2
cutters for Pacific coast	819	3
cutters for the Great Lakes	820	3
to transfer to the Navy Department	1607	5
Revised Statutes, to continue publication of	1867	7
	1955	7
Revolution. (*See* American Revolution.)		
Rhea, John L., executor of Samuel	358	2
Rhodes, John, and wife	144	1
Rice, Fred	2128	10
Rice, Margaret M	1158	4
Rice, W. H	650	2
Richards, Amelia A	400	2
Ries, Lillie	1084	4
Riggs, Druzilla J	2097	10
Riggs, Reuben	1713	7
Rio Grande River, to allow Continental Bridge Company to bridge	617	2
to bridge at Brownsville	1016	4
Ripley, E. W., estate of	822	3
Risk, Abasha	1887	7
Ritchie, Cordelia A	796	3
Rivers and harbors, appropriations for	967	4
messenger for Committee on	473	2
Senate amendment	1468	5
Roach, Benjamin, estate of	332	2
Roach, John, assignees of	710	3
	1048	4
Robb, William N	1544	5
Roberts, George F	1551	5
Roberts, John M	1911	7
Roberts, Julia S	2060	10

Subject.	Rept.	Vol.
Robertson, Anthony	784	3
Robertson, Mary H. S	51	1
Robinson, John W	1134	4
Rock Creek Railroad Company, to amend charter of	759	3
Rockefellow, B. F	1732	7
Rockwell, Hosea H., contested-election case of	968	4
Rogers, Benjamin F	244	1
Rogers, Charles E	1727	7
Rome, Ga., to erect public building	2122	10
Ronaldson, Sarah L	1234	4
Ropes Pass, Texas, to authorize construction of piers, jetties, etc., at	1675	7
Root, Elihu	700	3
Root, Leroy	2100	10
Rose, John G	1991	10
Rose, Merritt	154	1
Ross, Mary Ann	938	3
Ross, Mary L	1063	4
Rother, Frank	1582	5
Rowe, Philip C., heirs of	1548	5
Rowena (scow), for relief of owners of	381	2
Rowland, Thomas F	709	3
	1964	10
Rudd, J. C	142	1
Rules, to print Manual and Digest of	762	3
Rural districts, free delivery of mails in	1432	5
Russell (brig)	1922	7
Russell, Charles T	663	2
Russell, Gerald	1368	5
Russell, Sarah A	2105	10
Russell, William	1833	7
Russian Hebrews, expression of sympathy for, inquiry of status of	1177	4
	1000	4
Ryan, David	1546	5
Ryan, M. B	1193	4

S.

Sadler, James Garret	1066	4
St. Augustine, Fla., to extend provisions of act for immediate transportation of dutiable goods	1539	5
St. Charles (Mo.) College	215	1
	1181	4
St. Clair, Archie	1727	7
St. Lawrence Railroad Company, to grant right of way across Fort Montgomery reservation	477	2
St. Lawrence River, to allow bridge by St. Lawrence Railway Co	1625	5
St. Louis and Mississippi Valley Transportation Co	704	3
St. Paul, Minn., to erect public building at	1252	4
St. Vrain, Ceran, relief of New Mexico company of mounted volunteers of	1435	5
Salem, Oregon, to erect public building at	845	3
Salinas, Miguel	123	1
Salisbury, Susan T	1155	4
Sammis, John S	145	1
Sanborn, John Jay	1653	7
Sanders, David B., estate of	27	1
Sanders, John C., administrator	1278	4
Sanders, W. W., deceased	832	3
Sanderson, Louis G	1995	10
San Diego, Cal., to obtain lands for site of harbor defense at	656	3
Sandusky, Ohio, to extend privilege of immediate transportation of dutiable goods to	173	1
Sanford, Martha Ann	658	2

Subject.	Rept.	Vol
San Francisco, Cal., construction of revenue cutter for	384	2
Sanitarium. (*See* National Sanitarium.)		
Santa Fe, Prescott and Phœnix Railway Company, to grant right of way through Whipple Barracks reservation	1591	5
Saratoga, battle of, to erect monument to commemorate	168	1
Sarsfield, David	2023	10
Sartori, Louis C	2092	10
Saulpaw, George W	1986	10
Saunders, Edwin E., estate of	1386	5
Saunders, Henry S	300	11
Sauppe, Valentine	88	1
Savannah (Mo.) Christian Church	1030	4
Sawtelle, Charles G	1606	5
Scanlan, Mrs. W. H	830	3
Schachleiter, George W	1091	4
Schaumburg, James W	344	2
Schaumburg, James W., representatives of	1405	5
Schellhous, R. A	1182	4
Schillinger patents, for relief of owners of	24	1
Schlapp, August	198	1
School buildings. (*See* Claims).		
Schools of mines, to assist Colorado to support	841	3
Schwartz, Christian	1310	5
Scott, Austin A	199	1
Scott, John	859	3
	2028	10
Scott, John D	659	2
Scott, Samuel	649	2
Scott, Mrs. W. A	1280	4
Scott, W. T., and others	882	3
	1284	4
Scoville, W. T	1386	5
Seabird (barge), American register for	1330	5
Seaver, Nettie N	2057	10
Secretary of War, to authorize to lease public property	1817	7
Segoura, Raphael	1812	7
Selby, Arthur P	1069	4
Selma, Ala., to erect public building at	1577	5
Selma and Meridian Railroad Company	23	1
Semmler, Louis	1309	5
Senators, amendment to Constitution relative to election of, etc	368	2
Sessions, Franklin	648	2
Setzer, Henry	373	2
Shacklett, H. W	604	2
Shade, George	1336	5
Shadel, Henry A. heirs of	1386	5
Shaffer, C. M	214	1
	464	2
Sharman, Marion Kern	954	4
Sharp, Louise B	1557	5
Shaw, Clara V	1388	5
Shawnees. (*See* Indians.)		
Shea, Honora	1928	7
	2069	10
Shear, Lansing	1752	7
Sheely, Ann	829	3
Sheehy, Michael	207	1
Sheetz, Samuel, estate of	784	3
Shelby, J. C	1221	4
Sheldon, Thomas F	2003	10
Sherman, Jane A	1667	7
Sherman, Thomas W., estate of	1385	5
Sherman, Gen. W. T., pedestal for statue of	1459	5

Subject.	Rept.	Vol.
Shierry, Jane	57	1
Shimmins, William M	1226	4
Shipley, E. R	25	1
Ship Canals. (*See* Canals.)		
Ships, to give American registry to—		
Foreign built	966	4
Steamer China	1634	5
Certain high-grade	927	3
Shirley, Mrs. A	84	1
Shirley, Mrs. A., representatives of	1657	7
Short, Hatcher and Hiram	563	2
Sibley, Henry H. and Charlotte K., heirs of	21	1
Sidney, Nebr., to grant military reservation to, for cemetery	1261	4
Sigler, Phebe	1758	7
Signal, etc., stations. (*See* Lights.)		
Sigur, John A	831	3
Silk culture, to encourage	1360	5
Silver (*see* Coins and Coinage)	249	1
Silver-lead ores. (*See* Ores).		
Simerley, Mary E	672	2
Simmons, Abraham B	1759	7
Simmons, H. S., estate of	1272	4
Simmons, J. W	659	2
Simmons, Margaret C	1784	7
Simpson, Cassa	1271	4
Simpson County court of Kentucky, for relief of	812	3
Simpson, Isaac S	2125	10
Sims, James	418	2
Singleton, H. C., estate of	1281	4
Sinnott, P. B	685	2
Sipp, Mary A	857	3
Sisson, Henry	952	4
Skeels, Laura E	437	2
Skinner, John H	538	2
Skrainka Construction Company	58	1
Slaughter, Ann Mercer	2084	10
"Slums," investigation of, of cities	572	2
Small, Michael P	920	3
Smallwood, Howard F	781	3
Smith, A. J	651	2
Smith, Alfred	240	1
Smith, Caroline	1032	4
Smith, Caroline A	808	3
Smith, David D	1864	7
Smith, Dudley D	1386	5
Smith, Edward S., deceased, accrued pension of	421	2
Smith, Eliza	546	2
Smith, Grafton F., administrator of David	277	1
Smith, James	1781	7
Smith, James W	783	3
Smith, Mary C	1556	5
Smith, Meridy	822	3
Smith, Nancy C	597	2
Smith, Nimrod J	1827	7
Smith, Sarah E. B	1647	7
Smith, Sarah F	1881	7
Smith, Sarah G	110	1
Smith, Stephen D	1086	4
Smith, Thomas J	118	1
Smith, T. E	61	1
Smith, Vasti	661	2

Subject.	Rept.	Vol.
Smith, William, and others	352	2
	1772	7
Smith, William G	2072	10
Smith, W. J	1480	5
Smitherman, Edward	1807	7
Smithsonian Institution, to print report for 1891	2141	10
to send certain articles to World's Columbian Exposition	1512	5
vacancies in Board of Regents	4	1
Smyser, Jacob H	1185	4
Snavely, Charlotte	547	2
Snyder, James A., executor of Jacob	783	3
Society of American Florists, to incorporate	476	2
Society of the Colonial Dames of America, to incorporate	256	1
Solair, Fannie	829	3
Soldiers (missing in war of rebellion), for relief of heirs	924	3
Soldiers' Homes. (*See* National Home for Disabled Volunteers.)		
Somerville, Hiram	304	1
South Carolina, for a May term of United States court in	1788	7
payment of certain moneys to	1262	4
South Dakota, correcting description of certain public lands granted to	385	2
relief of settlers on certain lands in	1870	7
to publish report on climatic features of	2147	10
to regulate holding of terms of United States courts in	1846	7
Southerland, Obe	449	2
Southern Railroad Association	1579	5
Southern Utes (*see* Indians)	1205	4
Soutter, William R., deceased	980	4
Sowers, Frank S	1429	5
Spain, invitations to King and Queen of, to attend World's Columbian Exposition	1514	5
Sparks, D. M., estate of	651	2
Spaugh, Robert	265	1
Spaulding, R. A., administrator	305	1
Speck, David, estate of	783	3
Speigelburg, Wilhelm	1658	7
Spencer, William C	299	1
	1665	7
Spinola, Francis B., to print copies of eulogies on	2095	10
Spokane, Wash., to erect public building at	1109	4
Springfield, Mass., for sale of certain land at	1789	7
Spring Garden National Bank, to investigate	230	1
Sprinkle, S. D	1351	5
Squan Inlet, to reconvey lands selected for light	965	4
Stack, Thomas	1490	5
Staley, Noah	337	2
Stanley, David S	1245	4
Stanley, William	1422	5
Stanley, William Oscar	1741	7
Starn, Levi	553	2
Starr, Eliza K	1242	4
States, claims of, against United States for defense expenses	552	2
interest on funds expended by	555	2
examination of claims of certain, and city of Baltimore, etc	220	1
State canals. (*See* Canals.)		
Statistical Abstract, to print additional copies of, for 1891	2094	10
Steamers, extending act relating to life-saving appliances on	568	2
Stevens, Harriet W	2055	10
Steward, Charles B	1518	5
Stewart, Andrew, contested-election case of	367	2
Stewart, Electa Ann	1646	7

Subject.	Rept.	Vol.
Stewart, James	1187	4
Stiers, Ivy	1449	5
Stiff, Martha	1387	5
Stimson, Hiram	258	1
Stirman, Thomas V	157	1
Stivers, Charles B	1767	7
Stockbridges. (*See* Indians.)		
Stockwell, John	953	4
Stoddart, Alexander	261	1
Stolle, H. C. (and others)	837	3
Stone lands. (*See* Public lands.)		
Stork, Conrad	785	3
Stovall, J. H	48	1
Stover, Abraham	783	3
Street, Harlow L	353	2
Street railways. (*See* District of Columbia.)		
Strickland, Jesse H	217	1
Subports of entry. (*See* Ports of entry.)		
Subtreasuries, report on bill to establish system of	2143	10
Sugar trust, relative to information, etc., requested of Attorney-General	1286	4
Sugg, L. D	393	2
Suits against the Government. (*See* Government.)		
Sullivan, John	218	1
Summary court. (*See* Army.)		
Summer, Margaret	649	2
Sunday, to prevent sale of ice on, in District of Columbia	1440	5
Sundry civil appropriation bill, report on	847	3
Superior, Wis., subport of entry at	999	4
Supervising Architect. (*See* Treasury Department.)		
Supplies, purchase and contract for	1417	5
Sureties, to accept corporations as	1229	4
Survey made pursuant to act of March 2, 1891, to print report of	2135	10
Surveyors of customs. (*See* Customs service.)		
Suspension Bridge, N. Y., to erect public building at	1115	4
Sutter, John A	1255	4
Swart, Barnett T	656	2
Swamp lands. (*See* Public land.)		
Swartz, David	784	3
Sweating system. (*See* Labor.)		
Sweet, Chester B	787	3
Swift, Mary A	1061	4
Swigart, Sally M	771	3
Swoope, Susannah P	80	1
T.		
Tabor, H. A. W	1733	7
Taggart, C. C	1012	4
Taggers tin. (*See* Tin plate.)		
Talbott, Jacob J	1269	4
Talkington, Isaac W., estate of	481 1655	2 7
Tallapoosa (U. S. steamer), for relief of sufferers by wreck of	2043	10
Tallapoosa River, to allow Alabama Grand Trunk Railroad to bridge	1939	7
Tampa, Fla., to erect public building at	1569	5
Tampa Bay, Florida, additional aids to navigation in	572	2
Tapp, W. J., & Co	93	1
Tariff, report on effect of, on agriculture (*See* also Import duties.)	2114	10
Tarkington, William C	1614	5
Tate, Sally Sterrett	147	1
Tatin, Jean Marie	832	3

Subject.	Rept.	Vol.
Tatnall, John R. F	6	1
Taylor, A. K., administrator George W	1748	7
Taylor, George W., estate of	783	3
Taylor, Ida A	1621	5
Taylor, James, heirs of	1487	5
Taylor, Jane, estate of	1724	7
Taylor, Jane L	74	1
Taylor, Jesse C	1026	4
Taylor, John W	1461	5
Taylor, Stewart	1190	4
Taylor, William E., and others	936	3
Taylor, William H	2010	10
Teed, Theodore, heirs of	1763	7
Telford, Mary Jewett	428	2
Tendroy, Indian chief	1830	7
Tennessee River, to allow bridge at Whiteside Precinct, Ala	1174	4
to allow bridge by St. Louis and Birmingham Railroad Company at Clifton	620	2
to bridge at Deposit, Ala	1663	4
to bridge near Knoxville	1037	7
Terne plate. (*See* Tin plate.)		
Terrace. (*See* Capitol.)		
Terrell, D. J., deceased	1420	5
Test, Bertha	957	4
Texas, to change time of holding court in eastern district of	231	1
Thomas, Edward	680	2
Thomas, George H., to grant permission to exhibit portrait of, in the Capitol	1923	7
Thomas, Madison A	1905	7
Thompson, A. C	126	1
Thompson, George W	192 784	1 3
Thompson, James M	497	2
Thompson, Lewis, executors of	997	4
Thompson, Lodusky	1882	7
Thompson, Thomas	840	3
Thorne, John D	146	1
Thornhill, French W	1562	5
Thurmond, Harrison	590	2
Tibbetts Point, N. Y., to establish fog signal at	1648	7
Tice, Isaac P., estate of	919	3
Tillman, Francis	1057	4
Timber-culture laws, to amend act repealing	915	3
to declare meaning of law for repeal of	1495	5
Timberlake, S. R	1280	4
Timber lands. (*See* Public lands.)		
Tin plate, duties on	1040	4
Tobacco, to amend section 3355 of Revised Statutes relating to manufactures of	2046	10
to repeal requirement on raiser to furnish statement of production and sales of leaf	940	3
Tolson, John J	1432	5
Tompkins, Julia S	1161	4
Topeka Water and Electric Power Company, to allow, to dam Kansas River	1438	5
Torrence, Anna	1617	5
Torrey, Joseph, legal representatives of	1133	4
Townsend's library, to authorize purchase of	1707	7
Trade and commerce. (*See* Commerce.)		
Trade-marks, relative to registration of	410 1860	2 7
Tradewell, F. A	707	3
Transcripts. (*See* Courts of United States.)		

Subject.	Rept.	Vol.
Trask, Mrs. E	978	4
Travilla, Robert	286	1
Travis, M. M	348	2
Travis, W. C. M	130	1
Traweek, Mrs. E. L	657	2
Treasury, report on resolution relative to reserve fund of, and redemptions, etc	1780	7
Treasury Department, salary of Supervising Architect	1211	4
salary of assistant and chief clerk in office of Supervising Architect of	1212	4
Trenton (U. S. ship), refund of duty on wreckage	724	3
Treutlen, John R., heirs of	369	2
Trickey, Mary E	678	2
Trimble, Mary E	1862	7
Trinity River, Texas, to open to navigation	1841	7
Truex, David L	416	2
Trusts, to print copies of report of subcommittee on	2138	10
Tucker, Mary	1878	7
Tucker, Thomas	1998	10
Tucker, T. M., estate of	327	2
Turley, William H	1486	5
Turner, George	316	1
Turner, Granville R	1916	7
Turner, Margaret	56	1
Turner, Zeph	534	2
Tuttle, Mary	2088	10
Tuttle, Montgomery M	1395	5
U.		
Umatillas. (*See* Indians.)		
Uncompahgre Reservation. (*See* Indians.)		
United States. (*See also* Government of the United States.)		
settlement of account of State of Arkansas with	693	3
United States courts. (*See* Courts of the United States.)		
United States flag, to prevent desecration	541	2
United States map. (*See* Map of United States.)		
University of California, to set apart a tract of land for use of	253	1
Urgent deficiency appropriation bill	963	4
Senate amendments	1331	5
Urgent deficiency appropriations	526	2
Utah, an additional justice for the supreme court of	232	1
exhibit of, at World's Columbian Exposition	993	4
local government for	943	3
Uline, C. S	1324	5
Ulrich, Ernest	1771	7
Underwood, John C	1276	4
Unsell, David, estate of	43	1
Unterleiter, Henry	1442	5
Urban, Anna M	1296	4
Urquhart, C. Augustus	397	2
Utter, Joseph G	1266	4
V.		
Valleau, Sarah J	832	3
Vandalia (United States ship), refund of duty on wreckage	724	3
Vandiver, Robert R	76	1
Van Fossen, John	178	1
Van Nest, Sarah L	2004	10
Van Vleck, B. J	790	3
Van Vliet, Evalyn N	1918	7
Vauquat, Louis	329	2

Subject.	Rept.	Vol.
Vaughn, Jennie	183	1
Vaughan, W. H	155	1
Vawter, Jesse K	1552	5
Velasco, Tex., subport of entry at	545	2
Venard, Mary	1305	5
Verdin, Romain, estate of	831	3
Vermont, to establish military post in, between Burlington and Highgate	297	1
Vessels (merchant of United States), to print list of	2140	10
to allow fifteen days at port for, laden with certain articles "for orders"	1129	4
Vessels (steam), to amend Revised Statutes relative to regulation of	1897, 1972	7, 10
Vesuvius (cruiser), to remit penalties on	1680	7
Veterans, to secure preference of, in the public service	1925	7
Vice-President. (*See* President.)		
Vignes, Polona	832	3
Virginia, claim growing out of war of 1812	220	1
to authorize construction of telegraph line on coast of	1044	4
Volunteer armies, to preserve the records of the	895	3
Volunteers. (*See* War of the rebellion.)	728	3
Von Haake, Adolph	1567	5
Vosburg, Harriet T	2059	10
Vose, John W., heirs of	884	3
Voss, Elizabeth	1160	4
W.		
Wachner, S.	2073	10
Wackerly, Joseph	1087	4
Wade, Jennie Y	448	2
Wages, to continue report on, by Joseph D. Weeks	1315	5
Waggoner, Sarah J	1639	5
Wagnon, Thomas D	582	2
Waite, C. S	2020	10
Walker, Dabney, widow of	887	3
Walker, John	1597	5
Walker, Hon. Joseph H., relative to expunging a portion of remarks of, from *Record*	799	3
Walker, Julius	659	2
Walker, T. J	1280	4
Wallace, David R., deceased	2021	10
Wallace, Thomas	658	2
Walls, Joseph L	780	3
Walter, Amanda G	1588	5
Walters, Joel A	1908	7
Ward, Daniel	587	2
Ward, Enoch P	458	2
Ward, Jane A	298	1
Ward, W. H	1196, 1332	4, 5
War Department, contract for supplies, etc	1417	5
record and pension division in	895	3
to print report of board of ordnance and fortification for use of	1346	5
to provide for preservation and custody of records of the volunteer armies in	895	3
Ware, Henry	44	1
Ware, Perry G	973	4
War of the rebellion, amending records in cases of assumed names	732	3
bounties to volunteers who were promoted after reënlistment	733	3
bounty, to facilitate settlement of claims for	484	2

Subject.	Rept.	Vol.
War of the rebellion, desertions, to extend time of act for removal of charge of in certain cases	1381	5
disabilities, removing certain, when command was not up to maximum, etc	730, 731	3
equalization of bounties	729	3
medical officers who served in	1067	4
Michigan Cavalry, expenses of First regiment of	436	2
muster and pay of certain officers and enlisted men of volunteers	728	3
pay and bounty, to facilitate settlement of claims for	484	2
pay of minors discharged from Army	896	3
pay of soldiers who were mustered as officers after March 3, 1865	1015	4
pensions for widows and minor children of soldiers killed or disabled in	1260	4
relative rank and pay of certain soldiers who served in	734	3
relative to granting honorable discharge in certain cases	735	3
relief for heirs of missing soldiers	924	3
War of 1812, collection, custody, and arrangement of records of	1357	5
War with Mexico, relative to granting honorable discharge in certain cases	735	3
to grant increase of pensions in certain cases	1959	10
Warren, Alexander	1394	5
Warren County, Miss., relief of sufferers by overflow	1419	5
Warren, John	496	2
Warrior River, Alabama, to authorize Montgomery, Tuscaloosa and Memphis Railroad to bridge	1682	7
Warrender, Samuel	577	2
Warterfield, P. F., deceased	1131	4
Washington City. (*See* District of Columbia.)		
Washington and Georgetown Railroad Company	1039	4
Washington and Great Falls Electric Railway Company, to incorporate	1627	5
Washington, Lewis W., deceased	469	2
Wasson, Richard F., legal representatives of	1278	4
Waterbury, Conn., to erect public building at	1120	4
Watkins, Nancy	650	2
Watson, William M	1719	7
Wearing apparel, to regulate amount brought in duty free	1537	5
Weaver, Tilghman, heirs of	1672	7
Webb, William S	650	2
Webb, William W	451	2
Webster, Amelia R	804, 1523	3, 5
Webster, I. B	113	1
Wedgwood, William W	121	1
Weeks, Joseph D., continuation of report on wages by	1315	5
Weights, standard of, for grain	1232	4
Weil, Benjamin	1142	4
Wells, Edwin A	877	3
Wells, Eugene	856	3
Wells, James, heirs of	1692	7
Welsh, William	354	2
Welty, Charles W. E	539	2
Welty, Joseph H	2102	10
Werner, Charles J	1938	7
Wesson, Randolph	81	1
West, Bluford, estate of	182	1
Westmoreland, Mary N	1271	4

Subject.	Rept.	Vol.
West Point. (*See* Military Academy.)		
West Point, Va., to make a subport of entry	443	2
West Virginia, direct tax collected from	1941	7
refund of money to, paid to One hundred and thirty-third regiment of West Virginia Volunteers	468	2
time for holding United States courts in	933	3
Western Beet Sugar Company of California	813	3
Western Paving and Supply Company	22	1
Western National Bank (Baltimore)	1730	7
Wheat, Isaac A	560	2
Wheaton, William R	686	2
Whipple Barracks, to grant Santa Fe, Prescott and Phœnix Railway Company right of way	1591	5
Whitaker, William	649	2
Whitall, Catherine E	729	7
White, Cecelia	530	2
White, F. F	1608	5
White, George W	487	2
White, Jeremiah	1764	7
White Mountain Apache Reservation, to change west boundary of	1857	7
White, Thomas W	561	2
White, Zachariah J., legal representatives of	1011	4
Whitfield, John W., estate of	1407	5
Whitham, Charles	583	2
Whitney, Franklin S	1802	9
legal representatives of	509	2
Wickham, Francis W	1455	5
Widows, right of pensions to	2068	10
Wilcoxen, J. Stephen	475	2
Wilhite, H	1891	7
Wilkesbarre, Pa., to erect public building at	1101	4
Wilkes, Benjamin, deceased	815	3
Wilkes, Francis	1271	4
Wilkinson, Warren W	1520	5
Willbur, James M	921	3
	1599	5
Willey, James H	640	2
William and Mary College, Virginia	562	2
	1207	4
Williams, Florence Esther	1910	7
Williams, Hobart	786	3
Williams, Isaac	580	2
Williams, Joseph C	593	2
Williams, Lucretia	1578	5
Williamson, A. O	1271	4
Williamson, John E., administrator	1206	4
Willamette River, to establish lights and buoys on	1256	4
Willis, Edward B., deceased	649	2
Willson, Elizabeth R	528	2
Wilson, E. K., to print copies of eulogies on	2093	10
Wilson, Ezra A	179	1
Wilson, Francis B	1447	5
Wilson, H. B., administrator	1228	4
Wilson, William	1285	4
Wilson, William D	102	1
Wilson, William D., legal representatives of	1656	7
Wilson, William F	462	2
	666	2
Winans, William L	1605	5
Winder, William A	108	1
Winn, D. M	59	1
Winslow, Nathan C., and Hezekiah, J., heirs of	2812	10

Subject.	Rept.	Vol.
Wisconsin, for sale of timber on certain lands in	1077	4
relative to western judicial district of	2	1
to change times of holding United States courts in	176	1
Wisdom, D. M	1480	5
Wise, Curtis P	181	1
Wise, Mary A	1564	5
Witherby & Gaffney	1703	7
Wolcott, Sabra A	1300	4
Wolf, Edmund, heirs of	438	2
Wolfe, William	682	2
	1249	4
Wolfson, Caroline L., widow of Jacob A	1279	4
Wood, Gerard, heirs of	404	2
Wood, William P	836	3
Woodbridge, William E	177	1
	1393	5
Woodbury, Harriet	1884	7
Woods, Samuel, legal representatives of	1410	5
Woodson, Daniel	880	3
Woodson, R. B	1696	7
Woodson, Tarleton, heirs of	1632	5
Woodson, Warren A	1081	4
Woodward, William S	485	2
Wool, to place on free list	501	2
Woolen goods, to reduce duties on	501	2
Worcester, Alfred J	226	7
Workman, Thomas C	210	1
World's Columbian Exposition, articles from Smithsonian Institution	1512	5
branch of a national bank at	1136	4
detail of Army officers for	236	1
	1470	5
exhibit of Utah at	993	4
expenditures of	1454	6
foreign exhibitors, relative to bringing in of laborers of	2123	10
information relative to expenditures, etc	10	1
invitations to King and Queen of Spain to attend	1514	5
invitations to Presidents of American republics and governors of American colonies to attend	1515	5
Library of Congress, to exhibit	570	2
loan of certain articles to	1511	5
relative to dedication of buildings of	2091	10
report of committee to investigate expenditures of	1454	5
report on bill to make loan to	1660	7
to protect foreign exhibitors	626	2
to ratify act of Arizona for exhibit at	423	2
to send drawings, models, etc., to, from Department of the Interior	1513	5
Worthington, Betsey	486	2
Worthington, Hugh, heirs of	556	2
Wright, Henry H	203	1
Wright, Julia P	1761	7
Wyatt, James H	457	2
Wyoming, terms of United States courts at Evanston	984	4
Wyoming, United States ship, for relief of crew	360	2
Wyrick, James R	280	1
Wytsinger, John	1271	4

Subject.	Rept.	Vol.
Y.		
Yellowstone National Park:		
Report of investigation of privileges granted, etc., at	1956	10
To establish boundaries of	1574	5
To allow right of way across, to Montana Mineral Railway Company	854	3
Yorke, Louis A	1990	10
Yorktown, Va., to print copies of report of formal presentation of monument at	1343	5
Yosemite National Park, for turnpike road across	506	2
Young, Anna Maria	447	2
Young, John L	1612	5
Young, Thomas L	684	2
Young, William F	62	1
Youngblood, Rebecca M	1962	10
Youngblood, Sarah E	I538	5
Younkin, Mary	1950	7
Yuma Pumping Irrigation Company, to grant right of way through Yuma Indian Reservation	1856	7
Z.		
Zanone, Julius C	119	1
Zell, Henry	647	1

INDEX TO HOUSE REPORTS.

DIVISION 2.

SUBJECT OF REPORTS AND THE COMMITTEE WHICH MADE THEM.

Subject.	Rept.	Vol.
COMMITTEE ON ACCOUNTS—		
Bell, Thomas P	1323	5
Clerks to House committees	1	1
Closets and corridors in the terrace	1325	5
Committee on Accounts, annual clerk for	752	3
Committee on Agriculture, messenger to	2128	10
Committee on Rivers and Harbors, messengers for	473	2
Fifteen additional folders	725	3
Folders after adjournment	2144	10
Halleck, Walter F	293	1
Journal clerk, assistant	1223	4
Pay of stenographer and assistant clerk to Committee Investigation Pension Bureau	1322	5
Rent of branch folding room	269	1
Special messengers	248	1
Uline, C. S	1324	5
COMMITTEE ON AGRICULTURE—		
Agriculture, deficiency appropriations for Department of	519	2
Agriculture, effect of the present tariff on	191	1
	2114	10
Alaska, domesticated reindeer in	1093	4
American Florists, Society of	476	2
Angora goats, importation and maintenance of	1094	4
Appropriation for Department of	1586	5
Classification and grading of wheat, etc	1232	4
Commerce between the several States, etc	913	3
Dealing in fictitious farm products	969	4
Food and drugs, adulteration of	914	3
Forest reservation in California	2096	10
Horse, diseases of the	727	3
Silk culture	1360	5
COMMITTEE ON APPROPRIATIONS—		
Census deficiency bill	432	2
Columbian Exposition, inquiry concerning, of	10	1
expenditures at	1454	6
District of Columbia appropriation bill	495	2
	1167	4
Eleventh Census	9	1
Fortification appropriation bill	1257	4
General deficiency bill	1666	7
Legislative, executive, and judicial appropriation bill	1526	5
Pension appropriation bill	525	2
Pension deficiency bill	1580	5
Sufferers by overflow in Warren County, Miss	1419	5
Sundry civil appropriation bill	847	3

Subject.	Rept.	Vol.
COMMITTEE ON APPROPRIATIONS—Continued.		
Temporary provision for expenditures of the Government	2119	10
Urgent deficiency appropriation bill	526	2
	963	4
	1313	5
COMMITTEE ON BANKING AND CURRENCY:		
Columbian Exhibition, Branch National Bank	1136	4
International American Bank	985	4
National banks, better control of, and to promote safety of	233	1
National banks, receivers of	922	2
Redemption of national-bank notes stolen from or lost by banks of issue	1019	4
COMMITTEE ON CLAIMS:		
Albott, D. P	61	1
Ames & Detrick	906	3
Arctic (Hawaiian bark), owners and crew of	918	3
Armstrong, Edward S	706	3
Backman, Charles	1595	5
Baltimore, Md., Merchants and Miners' Transportation Company	1728	5
Barnett, Martin A., widow and heirs of	719	3
Beckley, R. D	1596	5
Betts, Nicholas & Co	97	1
Billings, J. M	1197	4
Bishop, Joshua	2025	10
Blackburn, W. Jasper	1464	5
Blaisdell, Albert	741	3
Blum, Emile M	1609	5
	1828	7
Bond, William A., Co., and others	1519	5
Bonfoey, Davis B., and Emma W., heirs of	1829	7
Bonfoey, Davis B., heirs of	794	3
Bonner & Merriman	766	2
Booth, James C., deceased	379	5
Bothu, Frank	1582	3
Bouldin, Briscol B	742	2
Brant, Charles T	1721	7
Brice, William, & Co., and others	2018	10
Brown, John J	1227	4
Bryan, C. B., & Co	809	3
Bryan, William J	1198	4
Bucknam, George C	1524	5
Burks, John M	2017	10
Burrows, Frank J	677	2
Burton, Patrick P. (widow of)	1584	5
Cairo, Illinois	1524	5
Calahan, Andrew J	795	3
Capers, Francis T	1692	7
Capron, Horace, estate of	664	2
Catonsville, Md., St. Timothy's Church	789	3
Chamberlain, Charles H	686	2
Chambers, Thomas	1062	4
Charleston, S. C., Citadel Academy	1720	7
Cheatham, Adelicia	263	1
Cheatham, Adelicia, legal representatives of	974	4
Chester, Walter B., schooner, owners of	1610	5
Clarkson, James	2039	10
Cogswell & Co	2013	10
Cohen, Jacob I., administrator	1139	4
Continental Fire Insurance Company of New York *et al*	1730	7
Council Bluffs, Iowa	793	3
Cowles, Calvin J	930	3

Subject.	Rept.	Vol.
COMMITTEE ON CLAIMS—Continued.		
Crawford, James S	905	3
Culver, Catherine P., heirs of	889	3
Dabney, Simmons & Co	414	2
Davidson County, Tenn	675	2
Davis, Jacob R., heirs of	1549	5
Day, Nancy E	1600	5
De Leon, Agnes and Maria	2015	10
Denham, Merril	1797	7
Dennis, James H	1601	7
Dispatch (U. S. ship), sufferers by wreck of	1749	7
Doyle, P. H	1226	4
Dunbar, Charles F	881	3
Eggleston, J. R	1603	5
Ericsson, John, estate of	1225	4
Ferris, John W	1589	5
Finn, John	2024	10
Florida, claim of State of	273	1
Frèmont, Jessie Benton	1903	7
French spoliation claims	1901	7
Freyre, Luis	1465	5
Future City, towboat	704	3
Gallatin, revenue cutter, officers and crew of	1497	5
Gendron Iron Wheel Company	356	2
Gonzales, Nasario	1073	4
Goodloe, G. C	904	3
Grace, James	1194	4
Griffith, Maurice G	834	2
Guineau, Thomas	380	5
Gulic, Benjamin F	1583	2
Gumberts, Henry, sr	1700	7
Guthrie, Louisa S	720	3
Hall, Dwight	715	3
	1492	5
Ham, James S., heirs of	701	3
	883	3
Hammaker, W. S	2026	10
Hanna, George B	930	3
Harrington, Louisa	120	1
Harrison, R. F	792	3
Haxthausen, Joseph	89	1
Hayes, Thomas G	1705	7
Haynes, James J	1476	5
Haynes, Samuel S	818	3
Higgins, Thomas L	275	1
Hogan, Joseph C	1550	5
Hollcroft, Elijah P. T	91	1
Holmes & Leathers	1781	7
Hooper, James	872	3
Hosack, W. S	378	2
Hot Springs Mountain reservation	1547	5
Howard, Leon	1596	3
Howard, W. H	931	5
Hubbard, Royal M	1734	7
Hunter, Samuel G	1064	4
Hurley, Edward	1773	7
Internal-revenue employés, gaugers, *et al*	371	2
Jennings, R. L	2042	10
Jones, Aquilla	14	1
Jones, Benjamin F	2011	10
Keeves, A. S	61	1
Keightley, William M	1731	2
Kelsey, James E., and others	674	7

Subject.	Rept.	Vol.
COMMITTEE ON CLAIMS—Continued.		
Kennedy, John W	838	3
Kennedy, P. B	764	3
Kennerly, Charles M	702	3
King, J. D	765	3
Kirkpatrick, S	2074	7
Kountz, W. J	763	3
Kramer, Matilda S. and Mary W	1163	4
Landram, William J	1474	5
Lee, Franklin	881	3
Lewis, John W	1581	5
Lewis, Mary A	1224	4
Lincoln, Nebr., paving of streets	1690	7
Lints, J. J	917	3
Little, John	786	3
Lockwood, Chauncey M	1604	5
Logan County, Ky	675	2
Logan, John S., assignee	60	1
Louisville, Ky	675	2
Lutterloh, Thomas S	1723	7
	2037	10
McCabe, James	1699	7
McDougall, George, deceased, legal representatives of	839	3
McKenzie, Lewis	665	2
McLean, Sarah K	1668	7
McMurdie, Maria	2038	10
McPherson, George H	1226	4
Maddux, Martin	1722	7
Manning, James	2019	10
Marcy, Daniel	1702	7
Mathews, F	1195	4
Maynadier, William M	668	2
	1640	5
Merriam, J. E	1475	5
Merritt, Edwin A	683	2
Milliken, Frank, heirs of	676	2
Monroe, Thomas C., estate of	833	3
Moore, Ely	880	3
Mordecai, M. C., administrator of	1139	4
	717	3
Morgan, Thomas P., jr	1056	4
Morrow, William B	282	1
Moss, William, estate of	703	3
Murray, George W	718	3
Myres, B. F	835	3
Nebraska, reimbursement of certain money to the State of	1541	5
New Haven (Conn.) National Bank	1493	5
Newton, Mass., First National Bank of	2014	10
New York, Lake Erie and Western Railroad Company	1484	5
Nickles, John	705	3
Night inspectors at the ports of New York and Baltimore	2027	10
Noble, Noah, heirs of	92	1
Old Dominion Steamship Company	673	2
	1902	7
Otis, George K., legal representatives of	2044	10
Otis, James K., legal representatives of	1726	7
Parish, Joseph W	430	2
Parker, D. S	1195	4
Payne, John Howard, heirs of	355	2
	1448	5
Parr, Burton J	91	1
Plant, George H	511	2
Port wardens in New York and Brooklyn	1779	7

Subject.	Rept.	Vol.
COMMITTEE ON CLAIMS—Continued.		
Potomac Steamboat Company	512	2
Price, Rodman M	1693	7
Quinn, William H	370	2
Raleigh, N. C	1697	7
Ramsey, F. Y	90	1
Read, John B	372	2
	779	3
Redfern, Joseph and Eliza	1611	5
Reeves, Clement	2117	10
Reiner, Herman and Herman, jr	1613	5
Roberts, George F	1551	5
Rockefellow, B. F	1732	7
Rogers, Charles E	1727	7
Root, Elihu	700	3
Ross, Mary L	1063	4
Rother, Frank	1582	5
Rowe, Philip C., heirs of	1548	5
Rowena (scow)	381	2
Russell, Charles T	663	2
Russell (brig)	1922	7
Ryan, David	1546	5
Sadler, James Garret	1066	4
St. Clair, Archie	1727	7
Sawtelle, Charles G	1606	5
Schillinger patents, relief of owners of	24	1
Scott, John	2028	10
Scott, W. T., and others	882	3
	1284	4
Selby, Arthur P	1069	4
Selma and Meridian Railroad Company	23	1
Setzer, Henry	373	2
Seymour, James M	1609	5
	1828	7
Shannon, Joseph R	1062	4
Shimmins, William M	1226	4
Shipley, E. R	25	1
Sibley, Henry H. and Charlotte, heirs of	21	1
Simpson County Court, Kentucky	812	3
Sinnott, P. B	685	2
Skrainka Construction Company	58	1
Smith, Thomas J	118	1
Smith, T. E	61	1
Smith, W. J	1480	5
Southern Railroad Association	1579	5
St. Louis and Mississippi Transportation Company	704	3
Stolle, H. C., and others	837	3
Summer County, Tenn	675	2
Sweet, Chester B	787	3
Tabor, H. A. W	1733	7
Tallapoosa, U. S. ship, sufferers by wreck of	2043	10
Tapp, W. J., & Co	93	1
Taylor, A. K., administrator of George W	1748	7
Teed, Theodore, heirs of	1763	7
Thayer, William B	1551	5
Tice, Isaac P., estate of	919	3
Tinder, William	1228	4
Trask, Mrs. E	978	4
Trenton and *Vandalia* (ships), wreckage of	724	3
Treutlen, John R., heirs of	369	2
Van Vleck, B. J	790	3
Vose, John W., heirs of	884	3
Wachner, S	2073	10

Subject.	Rept.	Vol.
COMMITTEE ON CLAIMS—Continued.		
Waite, C. S	2020	10
Waller, John	1597	5
Walter, Amanda G	1588	5
Ward, W. H	1196	4
	1332	5
Wells, James, heirs of	1692	7
Western Beet Sugar Company	813	3
Western Paving and Supply Company	22	1
Wheaton, William R	686	2
Whitall, Catherine E	1729	7
White, F. F	1608	5
Whitfield, John W., estate of	1407	5
Wilbur, James M	921	3
	1599	5
Williams, Hobart	786	3
Wilson, H. B., administrator	1228	4
Wilson, William F	666	2
Winn, D. M	59	1
Winslow, Nathan C. and Hezekiah J., heirs of	2012	10
Wisdom, D. M	1480	5
Witherby, J. Gaffney	1703	7
Wood, William P	836	3
Woodson, Daniel	880	3
Woodson, R. B	1696	7
Young, John L	1612	5
Young, William F	62	1
Zanone, Julius C	119	1
COMMITTEE ON THE COLUMBIAN EXPOSITION—		
Certain articles from the Smithsonian Institution to	1512	5
Dedication of buildings	2091	10
Discovery of America, proclamation relative to observance of four hundredth anniversary of	1527	5
Invitation to presidents of American republics and governors of American colonies	1515	5
Invitation to the King and Queen of Spain to participate in	1514	5
Foreign exhibitors (laborers of)	2123	10
Library of Congress, exhibition of certain books, papers, etc	570	2
Loan of certain articles	1511	5
Models, drawings, etc	1513	5
National highway commission	2122	10
	2045	10
Report on bill to aid Columbian Exposition	1660	7
COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES—		
Free coinage of gold and silver	249	------
	1839	------
COMMITTEE ON THE DISTRICT OF COLUMBIA—		
Academy and Gallery of Art	1895	7
Alleys, building on	324	2
opening of, in the District of Columbia	865	3
to pay for certain condemned	630	2
Anacostia and Potomac River Railroad Company	513	2
Assessment of taxes	1679	7
Assessments, time of making, etc	518	2
Baker, Henry M	1653	7
Building and other associations, deposits in	758	3
Certificate of indebtedness, payment of a	633	2
Children, dependent	945	4
Children or animals, cruelty to	1215	4
Commission merchants, fraudulent transactions on the part of	631	2
Deadly weapons	1148	4
Dentistry, to regulate practice of	870	3
District of Columbia, street railroad lines of	1169	4
Drawback certificates, holders of	409	2

Subject.	Rept.	Vol.
COMMITTEE ON THE DISTRICT OF COLUMBIA—Continued.		
Duplicate tax ledgers	516	2
Eckington and Soldiers' Home Railway Company	190	1
Electric wires	1629	5
False swearing before trial boards of police force and fire department	628	2
Foreign corporations in	1147	4
Fourth-street M. E. Church	1831	7
Glen Echo Railroad Company	1151	4
Highways, permanent system of	866	3
Ice on Sunday	1440	5
Incorporation laws	7	1
Inspector of plumbing	869	3
Institutions of learning	864	3
Keyser, Esther A	603	2
Land titles in	629	2
Livery-stable keepers	871	3
Madison street	1024	4
Maryland and Washington Railway Company	425	2
Memorial Association of the District of Columbia	1149	4
National Insurance Company	760	3
National Safe Deposit Company	175	1
Norfolk and Western Railroad Company	1628	5
North Capitol street, extension of	1421	5
One-horse cars	1152	4
Pardons, etc., power to grant	174	1
Petworth, Brightwood, and Takoma Railway Company	1289	4
Police force and fire department, false swearing before trial boards of	628	2
Produce dealers' license tax	1254	4
Property, unlawful appropriation and use of	632	2
Protection of property	2001	10
Protestant Episcopal Cathedral foundation	1900	7
Real estate, conveyances of	867	3
Reformation and house of detention	846	3
Rock Creek Railroad Company	759	3
Sanborn, John Jay	1653	7
Settlement of outstanding claims	2129	10
Square 673	1626	4
Square 683, lot 10, to purchase	2107	10
Square 454, platform in the alley	1896	7
Street railroads, motive power of	803	3
Suburban Railway Company	326	2
Tax ledgers, duplicate	516	2
Tax sales and taxes	517	2
Titles to certain lands	1004	4
Washington and Georgetown Railroad Company	1039	4
Washington and Great Falls Electric Railway Company	1627	5
Water revenues, fraud upon the	868	3
Y street, extension of	1824	7
COMMITTEE ON ELECTIONS—		
Craig *vs.* Stewart	367	2
Noyes *vs.* Rockwell	968	4
COMMITTEE ON ELECTION OF PRESIDENT, VICE-PRESIDENT, AND REPRESENTATIVES IN CONGRESS—		
Election of Senators by the direct vote of the people	368	2
Terms of President, etc., commencement and termination of	543	2
COMMITTEE ON THE ELEVENTH CENSUS—		
Census Office, investigation of	1170	4
Eleventh Census, to print	1708	7
Investigation of the Census Bureau	1933	7
Permanent Census Bureau	1068	4

Subject.	Rept.	Vol.
COMMITTEE ON THE ELEVENTH CENSUS—Continued.		
Report of wages	1315	5
The Eleventh Census	1171	4
COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT—		
Leave of absence to certain per diem employés of the Government	1036	4
COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT—		
Officers and employés in the customs service who receive per diem compensation	1213	4
Protection of persons employed on public works	2124	10
Treasury Department, assistant and chief clerk, office Supervising Architect of	1212	4
Treasury Department, salary of the Supervising Architect of	1211	4
COMMITTEE ON FOREIGN AFFAIRS—		
Barnes, George W	1384	5
Chinese, exclusion of	407	2
Columbian Historical Exposition	923	3
Diplomatic and consular appropriation bill	891	3
Gallagher, Thomas	1921	7
International Arbitration Congress	1987	10
La Abra Silver Mining Company	1143	4
Matchett, William B	1859	7
Melbourne Industrial Exhibition, additional compensation to assistant commissioners of	1378	5
Pan-American Medical Congress	1791	7
Reciprocal commercial relations with Canada	1957	10
Red Cross Association	1790	7
Russia, anti-Jewish laws of	1000	4
Russian Hebrews	1177	4
Swift, Mary A	1061	4
Trade relations with Mexico	1145	4
Weil award	1142	4
COMMITTEE ON IMMIGRATION AND NATURALIZATION—		
Chinese immigration	255	1
Ellis Island, investigation of	2090	12
Enforcement of immigration and contract labor laws	1573	5
Proposed immigration investigation	411	2
COMMITTEE ON INDIAN AFFAIRS—		
Admission of Indian Territory	1927	7
Allotment of lands among certain Indian tribes	2040	10
Ayres, Eli, legal representatives of	2113	10
Buffalo Creek treaty	1858	7
Certain lands of the Confederated Otoe and Missouria tribes of Indians in Nebraska and Kansas	1793	7
Cherokee Outlet	1631	5
Cheyenne and Arapaho Indians, opening to settlement lands acquired from	478	2
Choctaw and Chickasaw Indians	1661	7
Colville Reservation	1035 1525	4 5
Delaware Indians, payment to	122	1
Denison and Northern Railway Company	1060	4
Eastern Band of Cherokee Indians	1871	7
Gainesville, McAlester and St. Louis Railway Company	386	2
Gainesville, Oklahoma, and Gulf Railway Company	387	7
Grubb and Robinson	1751	1
Hutchinson and Southern Railroad Company, right of way to	3	2
Indian appropriation bill	325 1052	4 4
Indians, citizenship of	1130	7
Jones, Huff	1659	2

Subject.	Rept.	Vol.
COMMITTEE ON INDIAN AFFAIRS—Continued.		
Kickapoo Indians in Oklahoma Territory	1662	7
Klamath River Reservation	161	1
Liquor on Indian reservations	1598	6
Marinette and Western Railroad Company	347	2
	692	3
Miami Indians	1380	5
Mission Indian Commission	691	3
	1633	5
Pottawatomie Indians, Citizen Band of	851	3
Protection of Indian tribes from trespassers	1530	5
Puyallup Indian Reservation	1945	10
Right of way through Umatilla Reservation	1963	10
Shawnee and Delaware Indians, claims of	1554	5
Smith, Nimrod J	1827	7
Southern Ute Indians, Colorado	1205	4
Stockbridge and Munsee Indians	558	2
Travis, M. M	348	2
Uncompahgre Reservation, changing boundary of	1076	4
West, Bluford, estate of	182	1
White Mountain Apache Indian Reservation	1857	7
Wisconsin, sale of timber on certain land	1077	4
Yuma Pumping Irrigation Company	1856	7
SELECT COMMITTEE TO INVESTIGATE CHARGES RESPECTING CONDUCT OF MEMBERS ON THE FLOOR OF THE HOUSE—		
Report of investigation	2132	10
SELECT COMMITTEE TO INVESTIGATE THE METHODS AND MANAGEMENT AND PRACTICES OF THE BUREAU OF PENSIONS—		
Report of, part 1	1868	8
Report of, part 2	1868	9
SELECT COMMITTEE TO INVESTIGATE TAX IN THE DISTRICT OF COLUMBIA—		
Report of, on assessments	1469	5
COMMITTEE ON INVALID PENSIONS—		
Alexander, Adeline	527	2
Allen, Jane	101	1
Allen, Katie	1565	5
Army nurses	802	3
Arnold, Mrs. M. E	1472	5
Atherton, Amanda	858	3
Avery, Frank L	1917	7
Badger, Louis	1616	5
Banister, Elizabeth M	1299	4
Barber, Alonzo D	860	3
Barnett, Druke Nettie	1240	4
Barrett, Walter	1622	5
Beerbower, Martha A	774	3
Bell, Moses	988	4
Bentley, Watson S	2061	10
Bodley, Julia	639	2
Bollman, Lydia	1874	7
Boodger, Adda L	460	2
Boone, Esther J	1239	4
Bowden, Elizabeth	768	3
Boyd, George W	1302	4
Brackett, Margaret	1735	7
Bradford, Delzell R	1872	7
Brainerd, Martha Noble	1236	4
Brennan, Bridget	1875	7
Brewer, William H	1237	4
Bringhurts, James	1913	7

Subject.	Rept.	V
COMMITTEE ON INVALID PENSIONS—Continued.		
Brinneman, Cynthia	533	
Brown, Ellen Miles	772	
Burns, Anna Morgan	1138	
Byron, Margaret	1877	
Campbell, Samuel M	1516	
Carpenter, Elizabeth	773	
Case, Maud	1532	
Cassell, Ida	955	
Chamberlain, John	1517	
Chamberlin, Mary	1443	
Chapman, Samuel H	2006	
Cheney, Wells	87	
Christien, Margaret	301	
Christopher, Mary B	1913	
Clark, Charity W	638	
Colvill, William	635	
Cooper, Thomas	956	
Corcoran, Mary J	1590	
Corser, David S	1243	
Cota, Harriet	1815	
Cowgill, Sarah	1450	
Criner, Eliza A	1808	
Cullen, James	1914	
Danahay, Mary	1563	
Davis, Annie	1919	
Davis, Cassie A	959	
Day, Ellen	1390	
Deafness, increase of rate in certain cases	1263 1920	
De Russey, Helen A	2101	
Deyo, Jonas	1885	
Doolittle, Esther	41	
Dunham, John S	1157	
Eicks, William	982	
Emerson, Earnest C	1444	
Fays, Eliza	420	
Ferris, Adelia S	98	
Finney, Abigail L	1349	
Fleenor, John T	1909	
Flynn, Margaret A	2081	
Ford, John C	637	
Fortier, Joseph	1806	
Fritcher, Elizabeth L	1620	
Frymire, George L	2064	
Geer, Martha A	1737	
Gibson, Guy W	2065	
Goff, Ellen	529	
Gray, Jennie	2067	
Green, Ann M	1915	
Greene, Annie M	2082	
Griffith, Martha J	1238	
Hagan, Sarah A	958	
Hahn, Lydia E	861	
Hall, John S	2103	
Hall, Minnie	531	
Hamilton, Mrs. C. R. ("Sister Angela")	1391	
Hamilton, Sophia J	1154	
Hammond, Robert	1389	
Harris, Martha A	1895	
Haskell, Lucy	415	
Hastings, Rosanna	1736	
Hatch, Ellen De Witt	2009	

Subject.	Rept.	Vol.
COMMITTEE ON INVALID PENSIONS—Continued.		
Hazzard, George W	1566	5
Heazlitt, John C	2007	10
Heinze, Herman	1625	5
Henderson, Sarah L	40	1
Heninger, Louis	1446	5
Hewett, Ellen	939	3
Hineline, Sophia Bruner	536	2
Holmes, Eliza	1876	7
Holstein, Anna M	1559	5
Hood, Julia	1553	5
Hull, Mary E	863	3
Hutchison, Mary Isabella	456	2
Hyatt, Margaret	1560	5
Ingraham, Ira	1624	5
Johnson, Anna P	1235	4
Johnson, Emma	1303	5
Johnson, Wells	1912	7
Judd, Joana	1618	5
Kagwaich, Sophia	1880	7
Kelly, Elizabeth	65	1
Kelly, Mary Clare	1318	5
Kelly, Sarah A	2099	10
Kennedy, Lydia M	769	3
Kennock, Dora E	1883	7
Kimball, Jonathan	548	2
Larnard, Helen	2116	10
La Tourrette, Henry S	1029	4
Law, Mary E	1615	5
Leach, Orinda	770	3
Leahey, Michael	636	2
Leibarger, Phebe, estate of	862	3
Leonard, Lois P	1083	4
Locke, Sarah J	1738	7
Lomasney, Susan	1392	5
McCabe, Elizabeth	1241	4
McCammon, James	73	1
McChesney, Mary D	2071	10
McDermott, Martin	1561	5
McGeorge, Betsey	2063	10
McNeil, Jane	1740	7
Maguire, Ellen	63	1
Mailloux, Belle Carlton	1085	4
Maloy, Bridget	66	1
Martin, Mary	2058	10
Matlock, Thomas J	2056	10
Melvin, Fordyce R	2104	10
Millard, Mary	1162	4
Miller, Martha E	2062	10
Mitchell, Kate P	64	1
Mohan, Elizabeth	641	2
Monroe, Andrew J	2060	10
Moorehead, Mary A	1306	5
Morris, Jennie B	459	2
Murray, B. Jennie	775	3
Nason, Ralph Waldo	1534	5
Neal, William M	2115	10
New, Adelia	1445	5
Newkirk, Isabella W	2106	10
Niles, Harriet E	2005	10
Noble, Sarah A	1451	5
Northrup, Anson	2066	10
O'Brien, Michael	1153	4

Subject.	Rept.	Vo
COMMITTEE ON INVALID PENSIONS—Continued.		
O'Connor, Mary	1301	
O'Neal, Jacob	1873	
Osgood, James H	979	
Pacheco, Juan	1159	
Palmatier, Eliza T	1879	
Pangborn, Sarah L	1645	
Parker, Mary F	1304	
Parsons, Marrilla	1434	
Pensions, evidence in application for	627	
execution of declarations in claims for	559	
intermediate rate of	515, 1264	
in soldiers' homes	1840	
to incapacitated soldiers and sailors	1260	
to nonresidents	1509	
to widows and children of soldiers who died in service	500	
Pensions and other claims, relative to prosecution of	1531	
Pension laws, amendment to, relating to ex-Confederates	1292	
revision of	1853	
Philbrook, Caroline E	1448	
Phipps, Ellis P	740	
Prather, Thomas T	1156	
Putman, Eunice	2098	
Quigg, Caroline E	184	
Read, Edith S	1558, 1886	
Reardon, Mary Catharine	532	
Reese, Charles	2070	
Reeves, Louisa J	1623	
Reik, Emily	1739	
Rice, Margaret M	1158	
Ries, Lillie	1084	
Rigg, Druzilla J	2097	
Reik, Abasha	1887	
Roberts, Julia S	2060	
Roberts, John M	1911	
Ronaldson, Sarah L	1234	
Root, Leroy	2100	
Ross, Mary Ann	938	
Russell, Sarah A	2105	
Salisbury, Susan T	1155	
Scott, John	859	
Seaver, Nettie N	2057	
Sharman, Marion Kern	954	
Sharp, Louisa B	1557	
Shaw, Clara V	1388	
Shea, Honora	1928, 2069	
Sheldon, Thomas F	2003	
Sherman, Jane A	1667	
Shierry, Jane	57	
Sipp, Mary A	857	
Skeels, Laura E	437	
Smith, Caroline	1032	
Smith, Edward S., accrued pension of	421	
Smith, Eliza	546	
Smith, Mary C	1556	
Smith, Sarah F	1881	
Smith, Stephen D	1086	
Smith, William C	2072	
Smitherman, Edward	1807	
Snavely, Charlotte	547	

Subject.	Rept.	Vol.
COMMITTEE ON INVALID PENSIONS—Continued.		
Stanley, William Oscar	1741	7
Starr, Eliza K	1242	4
Stevens, Harriet W	2055	10
Stewart, Electa Ann	1646	5
Stiers, Ivy	1449	5
Stockwell, John	953	4
Sutherland, Obe	449	2
Swiggart, Sallie M	771	3
Tarkington, William C	1614	5
Taylor, Ida A	1621	5
Taylor, William H	2010	10
Telford, Mary Jewett	428	2
Test, Bertha	957	4
Thompson, Lodusky	1882	7
Thompson, Thomas	840	3
Thornhill, French W	1562	5
Tompkins, Julia S	1161	4
Torrence, Anna	1617	5
Trickey, Mary E	678	2
Tritcher, Elizabeth L	1620	5
Truex, David L	416	2
Tucker, Mary	1878	7
Turner, Granville R	1916	7
Tuttle, Mary	2008	10
Van Nest, Sarah L	2004	10
Van Vliet, Evalyn N	1918	7
Vaughn, Jennie	183	1
Venard, Mary	1305	5
Vosburg, Harriet T	2059	10
Voss, Elizabeth	1160	4
Wade, Jennie Y	448	2
Walters, Joel A	1908	7
Ward, Jane A	298	1
Webster, Amelia R	1533	5
Welty, Joseph H	2102	10
White, Cecelia	530	2
White, Mary E	1566	5
Widows of Union soldiers and sailors	2068	10
Willey, James H	640	2
Williams, Florence Esther	1910	7
Willson, Elizabeth R	528	2
Wilson, Frances B	1447	5
Wise, Mary A	1564	5
Wolcott, Sabra A	1300	4
Woodbury, Harriet	1884	7
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—		
Ashland, Wis	999	4
Bills of lading	1988	10
Bridges, to be erected by—		
Alabama Grand Trunk Railway	1939	7
Alabama Great Northwestern Railway	1683	7
Aransas Harbor Terminal Company	1320	5
Brookfield and Northern Railroad	689	3
Burlington and Illinois River Bridge Company	234	1
Chamberlain Pontoon Bridge Company	911	3
Chicago, Mobile and Gulf Ports Railroad	1685	7
Chicago, Peoria and St. Louis Railway	1175	4
Cincinnati and Covington Rapid Transit Bridge Company	2079	12
Continental Bridge Company	617 1016	4 7
Gurleys and Paint Rock Valley Railroad	1663	7

Subject.	Rept.	Vol.
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—Continued.		
Bridges to be erected by—		
Hoxie and Pocahontas Railroad	1684	4
Huntsville Bridge Company	1174	3
Illinois and Iowa Railway and Terminal Company	941	4
Knoxville Southern Railroad	1037	7
Kootenai River at Fry, Idaho	1940	3
Lake Charles Road Bridge Company	942	5
Mexican Gulf, Pacific and Puget Sound Railroad	1319	5
Middle Georgia and Atlantic Railway	1321	2
Mississippi River at Davenport, Iowa	619	7
Missouri River at Omaha, Nebr	1688	3
Missouri River at St. Charles	910	6
Montgomery, Tuscaloosa and Memphis Railway	1682	7
	1686	7
Natchitoches Cane River Bridge Company	1850	7
New York and New Jersey Bridge Companies	909	3
Oregon and Washington Bridge Company	816	3
	1038	4
Quincy Pontoon Bridge Company	912	3
Rapides Bridge Company	1851	7
St. Lawrence Railway	1635	5
St. Louis and Birmingham Railway	620	2
St. Paul, Minneapolis and Manitoba Railway	1687	7
Springfield, Sedalia, Marshall and Northern Railroad	618	2
South St. Paul Belt Railroad	8	1
Velasco Terminal Railway	615	2
Yankton Bridge Company	1176	4
Chicago River pier	616	2
Coasting trade on Great Lakes	688	3
Commercial travelers	186	1
Compagnie Française du Télégraphe	964	4
Council Bluffs, Iowa	507	2
Customs officers	1233	4
Des Moines, Iowa	852	3
Duluth, Minn	1974	10
Dunkirk, N. Y	1845	7
Fernandina, Fla	1218	4
Foreign-built vessels	966	4
Interstate commerce	1457	5
	1694	7
Interstate commerce and labor laws compilation	1960	10
Kentucky and Indiana Bridge Company	1452	5
Laredo, Tex	544	2
	1014	4
Life-saving appliances on steamers	568	2
Life-saving stations, to establish at—		
East Marion, N. Y	1689	7
Gay Head, Mass	188	1
	1043	4
Life-Saving Service pay	508	2
Lights, etc., to establish at—		
New Bedford, Mass	187	1
Sundry	1041	4
	1458	5
Tampa Bay	572	2
Willamette River	1256	4
Marquette, Mich	853	3
Middle and Thunder, Bay Island	1501	5
Newark, N. J	272	1
Norman, Seaton	1619	5
	1952	7
Ogdensburg, N. Y	235	1

Subject.	Rept.	Vol.
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—Continued.		
Pansy, light-house steamer	986	4
Punta Gordo, Fla	1210	4
Railroad automatic couplers	1678	7
Reading, Lehigh Valley and Central Railroads	1630	5
Revenue cutter for great lakes	820	3
Revenue cutter for Pacific coast	819	3
Revenue cutter for San Francisco	384	2
St. Augustine, Fla	1359	5
St. Paul, Minneapolis and Manitoba Railway	1852	7
Squaw Inlet light	965	4
Steam-vessel regulations	1972	10
Steam vessels	1897	7
Superior, Wis	999	4
Tibbetts Point, N. Y	1648	7
Topeka Water and Electric Power Company	1438	5
Tybee Island signal station	916	3
Velasco, Tex	545	2
Vessels unloading	1129	4
Virginia coast-line telephone	1044	4
Welland and St. Lawrence Canal	185	1
West Point, Va	443	2
COMMITTEE ON IRRIGATION OF ARID LANDS IN THE UNITED STATES.		
United States, arid lands of	569	2
COMMITTEE ON THE JUDICIARY:		
Arkansas, additional clerk for district and circuit court of eastern district of	295	1
Appeals in capital cases	1607	5
Arrest of offenders against United States	1966	10
	1967	10
Bankruptcy, uniform system of	1674	7
Biggs, Asa, estate of	750	3
Boarman, Judge Aleck	1536	5
Boyd, Elizabeth T	946	4
Brockenburgh, John, estate of	749	3
Captured and abandoned property	1377	5
Centennial Board of Finance	1150	4
Claims against the United States, transfers and assignments of	422	2
Circuit courts of appeals	1258	4
Congress, time of assembling of	810	3
Constitution, amendment to	294	1
Corporate sureties in Federal courts and departments	1229	4
Court of Claims	1540	5
disposition of causes in	1259	4
jurisdiction in certain cases of	366	2
Court of private land claims	908	3
	1173	4
Courts of the United States, fees and counsel of poor litigants	1079	4
Evanston, Wyo., term of United States court at	984	4
fees of clerk of	1970	10
fees of jurors, witnesses, etc., in certain States and Territories	424	2
form, practice, etc., in	994	4
illegal practices and abuse of judicial process	1966	10
	1967	10
judgments rendered in	170	1
jurisdiction of district and circuit	271	1
returns of fees by district attorneys	1969	10
returns of fees by commissioners	1968	10
clerks	1970	10

Subject.	Rept.	Vol.
COMMITTEE ON THE JUDICIARY—Continued.		
Courts of the United States, sale of property under orders and decrees of	270	1
Wisconsin	176	1
Cumberland, Md., terms of United States circuit and district courts at	405	2
Deed and other records of the Office of Indian Affairs	1316	5
Depositions in criminal cases	446	2
Detroit, Mich., releasing claim and interest to a lot in	163	1
District of Columbia, court of appeals of	1172	4
police court of the	1926	7
Fees of jurors and witnesses in United States courts in certain States and Territories	424	2
Fees, returns of by district attorneys	1969	10
clerks	1970	10
commissioners	1968	10
Flag of United States, desecration of	541	2
Georgia, northern judicial district of	444	2
Grand Army of Republic, encampment of 1892	2086	10
Hankins, Joel S	946	4
Homestead, Pa., conflict at	1376	5
	1803	7
labor troubles at	2142	10
Idaho, United States courts in	309	1
Illegal practices connected with the United States courts and abuse of judicial process	1966	10
Indian Territories, liquors in	1866	7
Internal-revenue laws, amending	159	1
Judges, justices, etc., disqualifying, in certain cases	406	2
Judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians, respectively	1437	5
Judgments rendered in United States courts	170	1
Kansas, third division of the district of	571	2
Kentucky, United States courts in	1971	10
Ley, John Henry	2078	10
	2083	10
Littleton, N. H., terms of circuit and district courts at	442	2
McCormack, A. P., charges against	739	3
Marriage and divorce	1290	4
	1291	4
Metropolitan Railroad Company	1847	7
Mississippi, clerks in United States circuit and district courts of	932	3
Missouri, times for holding courts in western district	755	3
Montana, southern division of the district of	1816	7
Murder in the first and second degree, defining the crimes of	504	2
Naturalization laws, amending of	697	3
New York, northern district of, terms of United States courts	1013	4
North Dakota, judicial district of	983	4
Oklahoma, associate justices of supreme court of	1413	5
Pinkerton Agency, investigation of	1376	5
Poor persons in court	1079	4
Presidental succession	160	1
Public works, protection of persons furnishing labor or material	1973	10
Questions of fact	189	1
Readjustment of certain accounts	1209	4
Reserve fund	1780	7
Revised Statutes of the United States, section 856	801	3
Revised Statutes, amending section 828	445	2
Revised Statutes, amendment to section 707 of	1825	7
Revised Statutes, sections 3480 and 4716	614	2
Revised Statutes, supplement to	1867	7

Subject.	Rept.	Vol.
COMMITTEE ON THE JUDICIARY—Continued.		
South Carolina, payment of certain moneys to the State of	1262	4
change of terms of court	1788	7
South Dakota, United States courts	1846	7
Springfield, Mass., sale of certain lands	1789	7
Sugar trust	1286	4
Suits against Government of United States	1706	7
Suits in certain cases, revival of	383	2
Tatnall, John R. F	6	1
Texas, eastern district, changing time of holding court in	231	1
Tobacco, sale of leaf	940	3
To protect trade and commerce	1418	5
Utah, additional justice of supreme court for	232	1
West Virginia, direct tax	1941	7
West Virginia, time for holding circuit and district courts in	933	3
Wisconsin, western judicial district of	2	1
COMMITTEE ON LABOR—		
Bureau of Engraving and Printing, leave of absence to employés in	408	2
Eight-hour law, etc	427	2
Government works, employment of convict labor on	1312	5
Idaho, labor troubles in	2016	10
Investigation of the slums of cities	625	2
Labor statistics	514	2
Mechanics and laborers, hours of labor for	1267	4
COMMITTEE ON THE LIBRARY—		
Bancroft, George, library of	1947	7
Bancroft, Hubert Howe, library of	1795	7
Beaufort, (S. C.) Library Society	1294	4
Colonial Dames of America, Society of	256	1
Executive Mansion, oil painting for	1293	4
Fort Greene, Brooklyn, monument to the memory of the victims of British prison ships at	169	1
Greene, Nathanael, monument to	472	2
Harrison, William Henry, monument to	1217	4
Historical manuscript relating to the District of Columbia	1216	4
Jefferson, Thomas, certain manuscript papers and correspondence of	1231	4
Lafayette statue, dedication of	1644	7
Morgan, Daniel, monument to	471	2
Père Marquette, statue of	990	4
Put-in Bay, monument at	1214	4
Saratoga, monument at	168	1
Smithsonian Institute, vacancies in the Board of Regents of	4	
Sutter, John A	1255	4
Thomas, George H	1923	7
Townshend's Library	1707	7
COMMITTEE ON MANUFACTURES—		
Tenement-house labor, sweating system of	164	1
COMMITTEE ON MERCHANT MARINE AND FISHERIES—		
American registry of foreign-built ships	966	4
American shipbuilding	927 1634	3 5
Damages to planted oysters and oyster beds	2053	10
Fisheries, regulating	1350	5
Foxhall (steamer) American register for	1327	5
Potomac River, protection of fish	1953	7
Seabird (barge), American register for	1330	5
COMMITTEE ON MILITARY AFFAIRS—		
Acting officers, rank and pay	734	3
Alcantara, Francisco	1202	4
Alden, Warren Alonzo	1089	4
Amendment to seventeenth article of war	1356	5

Subject.	Rept.	Vol.
COMMITTEE ON MILITARY AFFAIRS—Continued.		
American Revolution, military records of	1357	5
Anderson, Allen	589	2
Anderson, Allen L	1082	4
Army, administration of justice in the	817	3
Army and Marine Corps, pay and allowances of retired enlisted men of	824	3
Army, appropriations for	549	2
Army officers, detail of	236	1
Assumed names	733	3
Bagshaw, George	205	1
Bamfield, James	579	2
Barr, George W	574	2
Beach, Warren C	1563	5
Behle, Charles H	1220	4
Belger, Fannie N	962	4
Beshears, Alvis	158	1
Bevins, Samuel	208	1
Biddle, Jerome H	105	1
Blake, C. M	267	1
Blood, Charles S	646	2
Boag, William R	1462	5
Board of Review	1074	4
Bounties, equalization of	729	3
to veteran volunteers	732	3
Bourke, John G	1137	4
Bovell, John V	193	1
Bowen, George E	1936	7
Boyd, Augustus	455	2
	1809	7
Boyd, Orsemus B	751	3
Britton, William	1088	4
Brooks, S. J	1799	7
Brown, William H	540	2
Brownson, Leonard I	1768	7
Buckner, Benjamin F. (or Taylor)	196	1
Burdette, John C	206	1
Butler, John M	588	2
Campbell, Benjamin F	1770	7
Carpenter, Thomas H	266	1
	510	2
Carrick, Robert	1125	4
Casey, Peter	194	1
Casey, Robert	104	1
Ceran, Capt. St. Vrain's company, New Mexico Mounted Volunteers	1435	5
Certain volunteer soldiers	735	3
Certificates of merit for unattached and enlisted men, etc	542	2
Champlain and St. Lawrence Railroad Company	477	2
Chesbrough, Nicholas G	610	2
Cohn, Henry S	907	3
Cole, Broad	586	2
Columbian Exposition, detail of certain officers for special duty in connection with the	1470	5
Cordray, David P	791	3
Corridon, James	761	3
Courchaine, Daniel B	363	2
Cozad, Henry	2041	10
Cramer, Delos	452	2
Crangle, Henry	1937	7
Cutts, J. Madison	2118	10
	2131	10

Subject.	Rept.	Vol.
COMMITTEE ON MILITARY AFFAIRS—Continued.		
Dana, Napoleon J. T	454	2
	1441	5
Daniel, Calvin	1028	4
Davis, F. W	645	2
Davis, John M	1756	7
Disabled Volunteer Soldiers, National Home for	250	1
Disabilities, removal from certain officers	730	3
	731	3
Dunfee, Nicholas	874	3
Dyer, Lucius L	1521	5
East Baton Rouge, La., St. Joseph's church	1745	7
Eckerson, George W	362	2
Edwards, Richard M	109	1
Eldridge, Daniel	1164	4
Ferrell, Hugh	584	2
Field, Francis A	1814	7
Finley, James A	716	3
Fisher, Neil	708	3
Fletcher, William	1244	4
Fort Brown military reservation	2050	10
Fort McClary military reservation	1439	5
Fort Mifflin, sale of land at	1944	7
Fort Monroe, Va., hotel on reservation at	1746	7
Fort Wayne, Mich., military post at	1642	7
Freedley, Henry W	1203	4
Freeman, R. V	591	2
Frost, John G	753	3
Gage, E. Darwin	2033	10
Garrard, Charles T	592	2
Gassett, John W	578	2
Gettysburg Memorial Association	1643	7
Gillies, Charles F	1329	5
Gillingwaters, J. E	573	2
Grand Army encampment, loan of flags, etc	499	2
Grant, Chester F	107	1
Gray, James E	106	1
Greene, George S	1080	4
Groat, Abram	498	2
Grugett, Andrew L	595	2
Hadley, E. D	1247	4
Hanson, Willis F	201	1
Hart, Rodman	876	3
Heirs of certain soldiers	924	3
Helena, Mont., military post at	623	2
Henry, George M	1811	7
Hershe, Benjamin F	200	1
Heuston, Charles E	1054	4
Hogarty, William P	928	3
Holloway, William H	1904	7
Holmes, Prentice	960	4
Horn, Fritz	209	1
Hospital Corps of the Army, pay of privates of	172	1
Hugo, William H	873	3
Huse, Caleb	2034	10
Hyland, Patrick	523	2
Ilwaco Railroad and Navigation Company	1295	4
Jack, John A	2022	10
Jackson, George	197	1
Jennings, James C	1906	7
Johnson, Gilman L	537	2
Johnson, Joseph	1265	4
Kale, Wilson	1396	5

Subject.	Rept.	Vol.
COMMITTEE ON MILITARY AFFAIRS—Continued.		
Kane, James	875	3
Keach, Albert	357	2
Keefe, Michael, deceased	94	1
Kelly, Francis J	1402	5
Kent, Henry O	1750	7
King, Orris O	204	1
Klanser, Emanuel	1522	2
Knapp, Andrew B	1602	5
Knowlton, William C	1308	5
Kolter, Frederick E	949	4
Lake, Romantus	748	3
Lanahan, John D	1753	7
Lane, Henry	1769	7
Lang, Nathaniel	450	2
Larkin, William J	1854	7
Lease of certain public property	1817	7
Leonard Avenue Street Railway Company	1698	10
Little Rock, Ark., military post near	757	3
Little Rock, Ark., wood from, to the national cemetery adjacent thereto	1021	4
Lofland, H	1246	4
Long, Francis, and others	642	2
Long, James W	1140	4
McClure, Daniel	99	1
McColmant, Elisha	1027	4
McDonald, Orin A	947	4
	951	4
McFarland, James A	195	1
McKinney, George W	1755	7
McLaughlin, Thomas A	948	4
McLean, Cornelius	594	2
McLean, Sarah K	1313	5
McMahan, John	382	2
McNeil, Quincy	644	2
Madrid, Columbian Historical Exposition at	923	3
Markham, Pleasant	585	2
Marks, George A	2036	10
Medical officers during late civil war	1067	4
Medical officers, grade of	894	3
Military Academy, appropriations for	5	1
	925	3
Master of the sword, fixing rank of	1414	5
Military post at Fort Wayne, Mich	1642	7
Military post in Vermont	297	1
Military telegraph lines	1005	4
Millican, William	878	3
Missing soldiers	924	3
Moore, Robert	581	2
Murray, Joseph	202	1
New Bedford, Mass., public park	1398	5
Officers who were mustered as officers after March 3, 1865	730	3
	1015	4
Oklahoma City, military reservation at	1020	4
Oliver, Aaron J	100	1
O'Reilly, Thomas P	643	2
Ottstotts, Frederick	599	2
Patton, S. K. N	180	1
Pay and allowances of retired enlisted men of the Army and Marine Corps	826	3
Pierce, William	1754	7
Price, William B	1090	4
Pringle, William N	1810	7

Subject.	Rept.	Vol.
COMMITTEE ON MILITARY AFFAIRS—Continued.		
Promotion of army officers	171	1
Promotion of enlisted men of the Army	1358	5
Promotion in the Army	1818	7
Pyer, Charles G	1804	7
Randleman, John H	744	3
Ransom, Dunbar R	950	4
	1766	7
Read, Henry A	453	2
Records of volunteers armies	895	3
Regan, James	996	4
Retired list for privates and noncommissioned officers of the Army	823	3
	824	3
	825	3
	826	3
Robinson, John W	1134	4
Rogers, Benjamin F	244	1
San Diego, Cal., harbor defense at	756	3
Sanitarium, relative to establishing, in New Mexico or Colorado	1463	5
Santa Fe, Prescott and Phœnix Railway Company	1591	5
Sarsfield, David	2023	10
Schachleiter, George W	1091	4
Schlapp, August	198	1
Schwarz, Christian	1310	5
Scott, Austin A	199	1
Semmler, Louis	1309	5
Shear, Lansing	1752	7
Sheehy, Michael	207	1
Sherman, William T., statue of	1459	5
Sidney, Nebr., land for cemetery	1261	4
Skinner, John H	538	2
Small, Michael P	920	3
Smith, William, and others	352	2
	1772	7
Soldiers' Home managers	250	1
	505	2
	1178	4
Soldiers of the late war and the war with Mexico, to extend act relating to	1894	7
Speigleburg, Wilhelm	1658	7
Spencer, William C	299	1
	1665	7
Stanley, David S	1245	4
Stewart, Charles B	1518	5
Stimson, Hiram	258	1
Stivers, Charles B	1767	7
Street, Harlow L	353	2
Summary courts	817	3
Taylor, Jesse C	1026	4
Taylor, John W	1461	5
Thomas, Madison A	1905	7
Thompson, George W	192	1
Thompson, James W	497	2
Thurmond, Harrison	590	2
Tuttle, Montgomery M	1395	5
Ulrich, Ernest	1771	7
Unterleiter, Henry	1442	5
Utter, Joseph G	1266	4
Van Fossen, John	178	1
Volunteers, muster and pay of certain officers and enlisted men of	728	3
Wackerly, Joseph	1087	4

Subject.	Rept.	V
COMMITTEE ON MILITARY AFFAIRS—Continued.		
Wagnon, Thomas D	582	
Wallace, David R., deceased	2021	
Ward, Daniel	587	
War of rebellion, to extend act relating to soldiers of	1894	
War with Mexico, to extend act relating to soldiers of	735 1894	
Warren, Alexander	1394	
Warren, John	496	
Warrender, Samuel	577	
Webb, William W	451	
Wedgwood, William W	121	
Wells, Edwin A	877	
Wells, Eugene	856	
Welsh, William	354	
Welty, Charles W. E	539	
Werner, Charles J	1938	
Whitham, Charles	583	
Wickham, Francis W	1455	
Wilkinson, Warren W	1520	
Williams, Isaac	580	
Williams, Joseph C	593	
Wilson, Ezra A	179	
Wilson, William	1285	
Winder, William A	108	
Wise, Curtis P	181	
Woodson, Warren A	1081	
Workman, Thomas C	210	
Wright, Henry H	203	
Zell, Henry	647	
COMMITTEE ON THE MILITIA—		
Militia, efficiency of	754	
National Guard, additional artillery for	1059	
Nebraska, ordnance stores and supplies for	2120	
COMMITTEE ON MINES AND MINING—		
California, hydraulic mining in	937	
California, mining débris in	165	
Executive department of mines and mining	1003	
McGarrahan, William	245 1587	
COMMITTEE ON NAVAL AFFAIRS—		
Algiers, La., dry dock near	251	
Assistant to chief of Bureau of Navigation	1989	
Badger, Oscar C	1483	
Brooklyn, sale of navy-yard lands	1482	
Broome, John L	1529 1855	
Dull, John C	1473	
Engineer Corps of the Navy	1491	
Glass, Henry	1250	
Hamersly, Lewis R	1334	
Jouett, James E	929 1641	
Kelly, Denis	1477	
Mackintosh, James C	1535	
Medals for the officers and crew of the U. S. S. *Baltimore*	1001	
Morrison, James	1535	
Navy, appropriations for	621	
Navy, enlisted men in	1504	
Navy, reduction in the engineer corps of	440	
Naval appropriation bill	1453	
Naval observatory	926	
O'Brien, Oliver	2035	
Palmer, N. F., jr., & Co	1774	

Subject.	Rept.	Vol.
COMMITTEE ON NAVAL AFFAIRS—Continued.		
Pensacola Terminal Company	1503	5
Perkins, George H	1498	5
	1899	7
Pneumatic Dynamite Company of New York	1680	7
Promotions in the marine corps	1502	5
Retired list for enlisted men	2051	10
Revenue Cutter Service, transfer of	1677	7
Rose, John G	1991	10
Sartori, Louis C	2092	10
Terrell. D. J	1420	5
Yorke, Louis A	1990	10
COMMITTEE ON PATENTS—		
Columbian Exposition, foreign exhibitors at	628	2
Patents, statutes relating to	1494	5
Protection of innocent users of patented articles	1826	7
Trade-marks and labels	1860	7
Trade-marks, registration of	410	2
Winans, William L	1605	5
COMMITTEE ON PENSIONS—		
Absher, Anderson	1980	10
Allen, George R	247	1
Alvis, Henry J	1354	5
Anderson, Samuel S	1783	7
Askew, John J	2029	10
Athon, Levenia D	1930	7
Aubrey, Andrew J	1983	10
Bacon, Mary L	1762	7
Barnard, Anna E	2076	10
Barrow, David C	492	2
Belger, Fanny N	1786	7
Bell, Luman	2089	0
Bethards, Henry J	975	4
Birch, William A	223	1
Boatright, Eliza M	490	2
Bolings, Samuel J	222	1
Bradford, Joseph J	1710	7
Bridges, Rebecca	1982	7
Briggs, Samuel G	1949	7
Brown, Elisha	1861	7
Burrough, William	743	3
Burton, Felix	1843	7
Byrd, Susan C	1932	7
Calhoun, Maggie E	1715	7
Campbell, Nancy	1782	7
Campbell, Robert S	1757	7
Carlton, Ambrose B	1892	7
Carpenter, Ellen	2047	10
Chadwick, Susannah	714	3
Chapman, Edward R	902	3
Churchill, Benjamin	976	4
Clark, George W	2031	10
Cleaveland, Jesse	1836	7
Coffman, Joseph	2048	10
Conroy, Eliza	2077	10
Copen, Addison M	998	4
Copenhaven, A. J	1934	7
Craig, Joseph	1992	10
Crawford, Elizabeth R	336	2
Dally, Abraham	1709	7
Davis, James A	339	2
Davis, Susanna	1838	7
Day, Cornelius	1997	10

Subject.	Rept.	Vo
COMMITTEE ON PENSIONS—Continued.		
Deafness, rates in certain cases of	1920	
Dean, John A	1863	
Donaldson, Mary E	811	
Donnelly, Peter	805	
Dunn, Philip G	1714	
Dyall, James R., widow of	1978	
Ellis, Agnes P	897	
Enlow, Thomas	977	
Falkner, Nathan	1760	
Farquharson, Mrs. S. A	1785	
Fields, John	2030	
Fisher, Samuel O	55	
Frazier, Stark	679	
Gardener, Frances P	1055	
Gatlin, Mary	491	
Goodwin, Miles	1051	
Graham, Amelia	1981	
Granberry, Joseph J	1765	
Hall, Jacob	1834	
Hallam, John	1907	
Hamilton, Aaron V	493	
Harley, Elizabeth	1835	
Hollis, Mary	1994	
Howell, William C	1717	
Indian wars of 1832 to 1842, inclusive	818	
Israel, Pleasant R	1355	
Jergins, Jesse J	1777	
Jobe, Lavina	1711	
Jones, Andrew J	338	
Kelly, James A	1784	
Kennedy, Anthony M	807	
Kennedy, Thomas S	1929	
Kingsley, Sterling	1775	
Kirtley, James W	1716	
Kramer, Andrew	681	
Landes, Abraham	901	
Lane, James	1832	
Lane, Lewis	221	
Lang, D. M	899	
Larnard, Helen	2116	
Luke, Elizabeth S	1718	
Luttrell, Samuel	1961	
Lyon, Harry	1948	
McElvey, Harmon H	489	
Malloy, John	1996	
Marshall, George	898	
Matlock, John	2032	
Menefee, Mary A	1712	
Mercer, John	900	
Meredith, Frederick	494	
Merritt, Henry	1778	
Morgan, Benajah	1977	
Murphy, Susan S	1979	
Nindeman, William F. C	981	
Owen, L. D	1931	
Pension law, amendment to	500	
Pierce, Eliza B	1837	
Prator, John D	1776	
Ramey, Jonathan	488	
Reed, David	806	
Reed, James, jr	1353	
Renfro, Nancy E	224	

Subject.	Rept.	Vol.
COMMITTEE ON PENSIONS—Continued.		
Riggs, Reuben	1713	7
Russell, William	1833	7
Sanderson, Louis G	1995	10
Sigler, Phebe	1758	7
Simmons, Abraham B	1759	7
Simmons, Margaret C	1784	7
Sisson, Henry	952	4
Slaughter, Ann Mercer	2084	10
Smith, Caroline A	808	3
Smith, James	1781	7
Smith, Meridy	822	3
Staley, Noah	337	2
Tendoy, chief of the Bannock, Shoshone, and Sheepeater tribes of Indians	1830	7
Thomas, Edward	680	3
Tradewell, F. A	707	3
Trimble, Mary E	1862	7
Tucker, Thomas	1998	10
Turner, Margaret	56	1
Waggoner, Sarah J	1639	5
Ware, Perry G	973	4
War with Mexico, increase of pension for	1957	10
Watson, William M	1719	7
Webster, Amelia R	804	3
White, George W	487	2
White, Jeremiah	1764	7
Woodward, William S	485	2
Worthington, Betsey	486	2
Wright, Julia P	1761	7
Young, Anna Maria	447	2
Youngblood, Rebecca M	1962	10
COMMITTEE ON THE POST-OFFICE AND POST-ROADS—		
Convention of first and second class postmasters	1006	4
Exchanges through the mail	1314	5
Free delivery of mail in rural districts	1352	5
Letter-carriers, pay of	1725	7
Mail service	690	3
Mail service, ocean	699	3
Pneumatic postal communication at Philadelphia, Pa	2049	10
Postage on, semiweekly and triweekly publications	1951	7
Post-office appropriation bill	1135	4
Railway postal clerks, salaries of	624	2
Simpson, Isaac S	2125	10
Third and fourth class mail matter	1311	5
COMMITTEE ON PRINTING—		
Bankrupt bill to be printed	2075	10
Bureau of American Republics, to print bulletins of	2146	10
Bureau of Animal Industry, eighth and ninth annual reports of	1339	5
Bureau of Ethnology, eleventh and twelfth annual reports of	1338	5
Chile, President's message respecting relations with, and correspondence, etc	307	1
Civil Service Commission, eighth report of	1337	5
Climatic features of the two Dakotas	2147	10
Coast and Geodetic Survey, report of Superintendent of	1342	5
Commissioner of Education, to print report for 1889–'90, of	2136	10
Commissioner of Labor, seventh annual report of	2137	10
Congress, annals of, etc	365	2
Congressional Directory, maps of Congressional districts in	246	1
Documents, list of	1340	5
European commerce, to print report on	2134	10
European immigration, reports on	1347	5
	2133	10

Subject.	Rept.	V
COMMITTEE ON PRINTING—Continued.		
Fish and Fisheries, reports of the Commissioner of	1344	
Gamble, John R., eulogies upon	1128	
Geographic names, report of board of	474	
Government Printing Office, site for	687	
Government Printing Office, wages of certain employés of		
Grow and Randall, Speakers, addresses delivered on presentation of portraits of	229	
Horse, special report on diseases of	726, 727	
Houk, Leonidas C	364	
House of Representatives, manual and digest of the rules and practice of	762	
Immigration and Naturalization, to print report of House Committee on	2139	
International Geological Congress, proceedings of	1341	
Lee, W. H. F., eulogies delivered in Congress upon	426	
Merchants vessels of the United States, to print list of	2140	
National Academy of Sciences for 1891, report of	1345	
Ordnance and Fortification, report of Board of	1346	
President's annual message	308	
Public printing and binding and the distribution of public documents	1092	
Sanitary engineers, report of	1348	
Senate Report 395, Forty-third Congress	800	
Smithsonian Institution and National Museum, to print reports for year ending June 30, 1891	2141	
Special committee on investigation of Pension Office, to print report on	2145	
Spinola, Hon. Francis B., of New York, eulogies on	2095	
Statistical abstract for the year 1891	2094	
Subcommittees on Trusts, to print report of	2138	
Survey pursuant to act of March 2, 1891	2135	
To amend and supplement the election laws of the United States	1865	
United States, official map of, for 1892	1404	
United States, precious metals in	1208	
Walker, Joseph H., on the question to expunge	799	
Wilson, Hon. E. K., eulogies on	2093	
Yorktown, Va., monument at	1343	
COMMITTEE ON PRIVATE LAND CLAIMS—		
Claiborne, Courtney Ann	1898	
Maxwell land grant	1824	
Metoyer, Benjamin, legal heirs of	1326	
New Mexico and Colorado, land titles in	1253	
Segoura, Raphael	1812	
Williams, Lucretia	1578	
COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS—		
Abington, Va., public lands at	1144	
Public buildings, to erect, build additions, etc., at—		
Allentown, Pa	2109	
Alpena, Mich	1849	
Ann Arbor, Mich	1110	
Anniston, Ala	1097	
Baltimore, Md	2111	
Bedford City, Va	1118	
Boise, Idaho	1111	
Bradford, Pa	1999	
Bridgeport, Conn	2110	
Brockton, Mass	1116	
Brunswick, Ga	1105	
Buffalo, N. Y	1117	
Camden, N. J	1506	
Capitol storage building	2107	

Subject.	Rept.	Vol.
COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS—Continued.		
Public buildings, to erect, building additions, etc., at—		
Cheyenne, Wyo	1119	4
Chicago, Ill	567	2
post-office	566	2
United States Marine Hospital	855	3
Clinton, Iowa	1099	4
Cumberland, Md	1096	4
Decatur, Ill	1528	5
Durham, N. C	1123	4
East St. Louis, Ill	1946	7
Elgin, Ill	1565	5
Elizabeth, N. J	1744	7
Elmira, N. Y	1848	7
Findlay, Ohio	1819	7
Fitchburg, Mass	1820	7
Fond du Lac, Wis	495	2
Gallipolis, Ohio	333	2
Gardiner, Me	1100	4
Hartford, Conn	1821	7
Hastings, Nebr	1098	4
Helena, Mont	1112	4
Henderson, Ky	1976	10
Hoboken, N. J	1794	7
Hot Springs, Ark., sale of school lot at	738	3
House of Representatives, fire in folding room	1456	5
Indianapolis, Ind	1676	7
Jamestown, N. Y	1507	5
Joliet, Ill	1107	4
Kansas City, Kans	2130	10
Kansas City, Mo	1108	4
Keokuk, Iowa, for paving streets	2000	10
Laredo, Tex	1104	4
Little Rock, Ark	1113	4
Logansport, Ind	1823	7
Louisville, Ky., sale of old public building	1106	4
McKeesport, Pa	2112	10
Mammoth Hot Springs	1570	5
Massillon, Ohio	1124	4
Mount Sterling, Ky	1822	7
Muncie, Ind	2108	10
Nashua, N. H	1122	4
Natchez, Miss	1168	4
Newport News, Va	1103	4
New York, N. Y	1742	7
Oakland, Cal	843	3
Paterson, N. J	1102	4
Pine Bluff, Ark	2126	10
Pittsburg, Pa., sale of certain United States property in	1743	7
Plattsmouth, Nebr	2052	10
Pottsville, Pa	1508	5
Providence, R. I	1121	4
Public buildings, plans for	1078	4
Reno, Nev	2127	10
Rome, N. Y	2121	10
Salem, Oregon	845	3
Selma, Ala	1572	5
Spokane, Wash	1109	4
St. Paul, Minn	1252	4
Suspension Bridge	1115	4
Tampa, Fla	1569	5
Waterbury, Conn	1120	4
Wilkesbarre, Pa	1101	4

Subject.	Rept.	Vc
COMMITTEE ON THE PUBLIC LANDS—		
Arizona, unsurveyed lands within the Atlantic and Pacific Railroad land grant in	992	
Arizona, settlers on public lands in Tucson land district	1664	
Arkansas, bonds held by the United States	693	
Blankenship, John R	788	
California, University of	253	
Chelan, Okanogan County, Wash	237	
Colorado School of Mines	841	
Dakota, correcting description of certain lands granted to Territory of	385	
Dealy, David	1950	
Desert-land laws, lands entered under	1993	
Des Moines River lands, settlers on	1075	
Eastport, Me., abandoned military reservations at	1230	
Entry of certain lands	1204	
Escambia Lodge No. 15, F. and A. M	565	
Ferron, Utah, relief of inhabitants of	252	
Forfeiture of certain lands	1426 1555	
Gottschalk, C. V	1681	
Hot Springs, Ark., public reservation	988	
trustees of Trinity Church	893	
lot 1, block 72, at	1002	
Kansas, homes for old soldiers	892	
Keady, William P	1842	
Mexican Gulf, Pacific and Puget Sound Railroad Company	1792	
Mineral lands, examination and classification of	1415	
Minnesota, public park in	694	
Montana Mineral Railway Company	854	
New Madrid, location survey	1542	
New Mexico, additional land office in	1399	
New Mexico, unsurveyed lands within the Atlantic and Pacific Railroad land grant in	992	
Patents to land in certain cases	1975	
Pittsburg, Fort Wayne and Chicago Railroad Company	842	
Registers and receivers, fees of	989	
Talkington, Isaac W., estate of	481 1655	
Timber and stone lands, purchase of certain	1943	
Timber-culture laws	915 1495 1379	
Timber lands, sale of stone, etc., of	482	
Settlement rights, protection of	1485	
Settlers on, public lands	483	
Settlers upon certain lands in North and South Dakota	1870	
Settlers within railroad land grants	987	
Swamp-land grants	296 1571	
Wyoming reservations	1942	
Yellowstone National Park, boundaries of	1574 1956	
Yosemite National Park, wagon road across portion of	506	
Younkin, Mary	1950	
COMMITTEE ON RAILWAYS AND CANALS—		
Ship canal connecting Lake Erie with the Ohio River	1416	
Ship canal from Great Lakes to navigable waters of Hudson River	1023	
Ship canal from Philadelphia to New York Bay, survey of	2002	
State canals	1022	
COMMITTEE ON REFORM IN THE CIVIL SERVICE—		
Appointments in the public service	1925	
Appointment of fourth-class postmasters	1403	

Subject.	Rept.	Vol.
COMMITTEE ON REFORM IN THE CIVIL SERVICE—Cont'd.		
Baltimore, civil-service law violations	1669	7
Employment of laborers, to exclude political influence of	821	3
Violations of the civil-service law in Alabama	1747	7
COMMITTEE ON THE REVISION OF THE LAWS—		
Certain volunteer and regular soldiers	1381	5
Contracts for supplies, purchased of	1417	5
Grand Army, leave of absence for members during the encampment	1382	5
Office of Congressional correspondence and Department business	479	2
Postal laws, amendment of	696	3
Publication of the Revised Statutes	1955	7
COMMITTEE ON RIVERS AND HARBORS—		
Brunswick, Ga., improvement of outer bar of	1869	7
Jetties, piers, and breakwaters at mouth of Ropes Pass	1675	7
Kansas River, dams across	557	2
Mississippi River, willful injury to public works on	767	3
Navigation of Trinity River, Texas	1841	7
Philadelphia, Pa., improvement	622	2
River and harbor appropriation bill	967 1468	4 5
COMMITTEE ON RULES—		
Civil service investigation	1141	4
Keystone, Spring Garden, and Maverick national banks, investigation of	230	1
Pension Bureau, investigation of	257	1
Census Office, investigation of	961	4
COMMITTEE ON THE TERRITORIES—		
Arizona, admission into the Union	737	3
Arizona, funding act of	441	2
Arizona, ratifying an act of the Legislature of	423	2
Cattle on Cherokee lands, in violation of law	2085	10
Indian Territory and Oklahoma, carriage of passengers by railroads in	1460	5
Indian Territory, mines and mining in	162	1
Oklahoma, district courts of	944	4
funding the county debts of	991	4
reserving land in	1095	4
temporary government for	2054	10
New Mexico, admission of	736	3
capitol building	1575	5
Railroad laws for Indian Territory and Oklahoma	1893	7
Utah, exhibit of Columbian Exposition at	993	4
Utah Territory, local government for	943	3
COMMITTEE ON WAR CLAIMS—		
Abbot, Francis L	1317	5
Abby Ellen (brig)	70	1
Adams, Charles H	349	2
Adams, O. F	521	2
Aldrich, E. J	284	1
Alexander, Thomas L., legal representatives of	1400	5
Alexander, William J	289	1
Allard & Crozier	49	1
Allen, Lewis D	669 671	2 2
Allen, L D	648	2
Allen, Martha A., administratrix of Wyatt M	597	2
Allsworth, Edward	1186	4
Alsbury, Edward P	219	1
Alsup, John F	848	3
Anderson, A. E	649	2
Anderson, Charles P	1397	5

Subject.	Rept.	Vc
COMMITTEE ON WAR CLAIMS—Continued.		
Anderson, David B., deceased	1166	
Anderson, James C., estate of	1280	
Anderson, Mary H., widow of Hiram	1370	
Anderson, William H	1673	
Andes, Abraham	784	
Antisell, Thomas	389	
Archer, Henry W., legal representatives	79	
Armelin, Charles, estate of	831	
Armistead, Vincent	1271	
Arrears of pay and bounty, settlement of claims	484	
Ashe, John Baptiste, legal representatives of	1132	
Athens, Ala., Cumberland Presbyterian Church of	310 1180	
Atkinson, Mary Ellen, administratrix of Richard	285	
Atlanta, Ga., St. Philip's Church	660	
Atlantic Works	1965	
Austin, Sterling T., heirs of	125	
Avery, John, estate of	1724	
Ayers, Asa B	1270	
Badeaux, Ulger V	1373	
Baker, Sarah K. T	132	
Balzer, Gustavus A	1787	
Bank of Louisiana, creditors of	493	
Banks, Charles	1046	
Barnes, Benjamin S	1523	
Barron, Mary	1017	
Bass, Giles W	650	
Bates, John A	972	
Battelle & Evans	290	
Baudry, Omer	1428	
Baugh, William	1271	
Baynard, Joseph S., and others	1692	
Bazell, James B	312	
Beard, I. B	327	
Beckham, William R	1271	
Bell, Josiah L	1431	
Bell, Mary A	660	
Berks County, Pennsylvania Agricultural Society	698	
Bethel Springs, Tenn., trustees of Presbyterian Church of	311	
Beuter, Francis A	1984	
Bigler, James	1539	
Bigley, Nicholas J	343	
Billingslea, Walter R	649	
Birchett, William G., estate of	1724	
Bishop, Clarissa	1373	
Bishop, James	136	
Black, Joseph	832	
Black, L. E	1280	
Blackistone, Richard P	1362	
Bliss, Francis A	239	
Blinn, Laura	1481	
Bloom, Henrietta Y	832	
Blosser, Joseph	784	
Blue, Solomon, estate of	305	
Boardman, William, legal administrators of	798	
Bolivar (Tenn.) Lodge	598	
Booth, M. A	659	
Booth, Martha A	659	
Boston, Massachusetts Atlantic Works	711 1965	
Botts, Luigi	1888	
Bounty and arrears of pay, settlement of claims for	484	
Boutwell, D. W	433	

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Bowling, John, heirs of	1545	5
Boyd, L. H	1336	5
Bradford, James M	936	3
Bradley, Horace L	320	1
Branch, Jesse L	1281	4
Brandt, Jesse L	1272	4
Brantly, W. S., executor of J. H.	390	2
Breaux, Pierre	831	3
Brewer, Elvy	657	2
Briant, Mrs. E. H	831	3
Bridger, James	1576	5
Bridges, Sarah E	661	2
Bridgewater, P. H	1408	5
Briscoe, Jackson	670	2
Bristol, Louis H	1374	5
Broadwell, Marcus L	153	1
Brooks, John G. W	32	1
Brooks, William H. H	1488	5
Brott, George F	124	1
Brown, A. M	1281	4
Brown, Florence A	1010	4
Brown, John T	971	4
Brown, M. G	1336	5
Brown, Thomas	650	2
Brown, Thomas J	1042	4
Bruen, John T	535	2
Buckey, Mary E	781	3
Buckholder, Martin, administrator Abraham	784	3
Buckmaster, William P., heirs of	1489	5
Buder, Edward A	607	2
Bugg, J. H., and others	427	1
Burditt, Augustus P	342	2
Burke, Edward, administrator	334	2
Burke, Hannah	1724	7
Burton, Henry H	1429	5
Burton, William	1045	4
Bushby, William	67	1
Butler, Phillip T., and others	785	3
Butt, William	936	3
Cahalan, Edward	576	2
Caine, Catherine	276	1
Caldwell, C. C	1467	5
Caldwell, John R	650	2
California war claims	254	1
Cameron, Emma S	550	2
Cameron, James and Emma S	888	3
Camp Tyler, Ill., owners and occupants of	1637	5
Campbell, George J	1072	4
Campbell, J. M., estate of	1272	4
Candy, Charles	1273	4
Capers, Francis F	1692	7
Caperton, George	650	2
Carl, David and Barbette	1428	5
Carmack, Joseph W	228	1
Carpenter, George	650	2
Carr, Rogers & Co	814	3
Carson, Henry Polite	611	2
Carter, Alfred B	328	2
Cartersville, Ga., First Baptist Church of	292	1
Cazes, Bertrand and Gaudin	47	1
Chapin, Gurden	1188	4

Subject.	Rept.	Vo
COMMITTEE ON WAR CLAIMS—Continued.		
Chapman, Henley W	1401	
Cheek, Mrs. Nelson	785	
Cheek, R. T	648	
Chester, Lester P., and others	1288	
Chouteau, Charles P	50	
Cristy, John, & Co	350	
Chum, A. B	651	
Church and school building, claims for	11	
Citizens' Bank, Louisiana	340	
Citizens of Kansas, claims of	602	
Claims for certain stores and supplies	1552	
Clapp, George M	268	
Clapp, Sarah A	274	
Clara Bell, steamer	1219	
Clark, James S., estate of	377	
Clark, Stephen D	241	
Cleveland, Elizabeth J	1281	
Clift, William	723	
Cobb, Blasddell & Co	350	
Cobb, J. & O. P., & Co	350	
Cobb, J. & O. P., & Co., surviving partners of	350	
Cobb, Oliver P	350	
Cobb, O. P., and others	351	
Cole, Mrs. S. M	783	
Coleman, Sarah and Florence	1282	
Collards, W. H., and others	1330	
Collins, Joseph	832	
Columbia bridge, owners of	777	
Connell, Michael	785	
Cook, James A	1638	
Cook, Jared R	649	
Cook, Matilda	138	
Cooner, Mary A	936	
Cooper, Hudson, legal representatives of	776	
Cordill, Joseph	829	
Core, A. S	551	
Cothes, H., heirs of	26	
Cousens, George Lewis	216	
Cowper, Leopold C. P	721	
Crabill, Joseph D., estate of	784	
Craig, William	1365	
Cranston, Sarah M	1328	
Crenshaw, A. L. H	112	
Crews, Hamilton	345	
Crider, R. H	37	
Crider, S. F	131	
Crompton, Richard	936	
Cronk, Charles W	1568	
Crosby, William	783	
Cross, Joel	660	
Crow, William	658	
Crum, Elizabeth and B. L	597	
Cunningham, Calvin B	391	
Cunningham, Rachel	936	
Cummings, Doyle & Co	39	
Cummings, Phœbe	649	
Cynthiana, Ky., destruction of property at	413	
Dalton, Ga., trustees of the Catholic church at	291	
Danolds, Charles A	655	
Darly, F. O., estate of	831	
Davis, A. W	598	
Davis, Enoch	278	

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Davis, Mark, heirs of	33	1
Davis, Marshall	648	2
Davis, Mark, legatees of	1636	5
Davis, Mrs. M. M	649	2
De Bevoise, S. H., estate of	1270	4
Debnam, Thomas R	661	2
Decatte, Owden	832	3
Deems, Lewis	1008	4
Deford, James, heirs of	1651	7
Deitrich, Emily	1279	4
Delahoussage, Sidonie	1370	5
Delille, Jean	1279	4
De Loach, Claiborne, heirs of	1270	4
	1272	4
Dennis, Mary A	832	3
Denny, George, sr	522	2
Dent, Warren R	332	2
Deslonds, Mrs. Frank	1370	5
Desmarc, Alphonse	1373	5
Deucatte, Odon	83	1
Dickson, Davidson, and others	392	2
	935	3
Dieters, John	1924	7
Dittlinger, Michael	429	2
Doherty, M. A	649	2
Dolman, Jacob	784	3
Donato, Auguste, heirs of	329	2
Donato, Belote A	832	3
Donnell, George O	115	1
Dorr, John H	137	1
Dougherty, Mary A	648	2
Douglas, W. W., administrator	832	3
Downey, Amelia	784	3
Downing, A. B., estate	649	2
Downs, Francis	1365	5
Doyle & Co	39	1
Doyle, Johanna	785	3
Doyle, William	776	3
Driscoll, John J	1184	4
Duffy, Eugenia and W. B	829	3
Dulin, A. F., estate of	1724	7
Duncan, Andrew J., deceased	16	1
Dunklee, William M., administrator	1251	4
Duvall, Tandy	784	3
Dyer, Rachel	262	1
Easterly, Isaac	1281	4
Edwards, Emily	1375	5
Edwards, Sarah Upton	1071	4
Edwards, W. W	1373	5
Eldridge, Hallam	1691	7
Ellen, Abby (brig), owners of	70	1
Elliott, John R	1428	5
Elsaser, John A	1336	5
Elzey, John	829	3
Engelhardt, Margaretha	1935	7
Engs, Samuel F	596	2
Ennis, William B	129	1
Eppes, John W	564	2
Evans, Samuel	1411	5
Fagot, Emile, heirs of	832	3
Falls, Jane	1985	10
Farnighy, Louis O	1499	5
Farley, John A	1280	4

Subject.	Rept.	Vol
COMMITTEE ON WAR CLAIMS—Continued.		
Farnsworth, D. D. T	1670	
Fels, Samuel	134	
Fergusson, George B	69	
Field, John A	654	
Fike, Martha A	936	
Filhiol, Hypolite, and others	45	
Fitzgerald, Michael G	1126	
Flesschert, Martha E	1497	
Fletcher, Nathan, heirs of	600 1179	
Flick, Catharine	784	
Florence Masonic Lodge, Florence, Ala	601	
Flowers, Elizabeth	661	
Forgey, James	1386	
Fourth of July claims	38 1248	
Fraliex, Martin, estate of	660	
Franklin, William A., executor of J. B	1272	
Frasuer, Eli	660	
Frederick, Md., refund of money to	520	
French, Henry S	82	
Frizell, James S	1o5	
Frobel, Elizabeth D. and Anna S	140	
Fuller, J. B	648	
Fuller, Robert W	1025	
Fusillier, Corinne Perret	831	
Gallagher, Charles	712 713	
Galland, Washington	116	
Gallott, Julia	832	
Gardner, Fannie E	1585	
Garrett, W. F	1281	
Garrison, Nemiah	111	
Garrison, Silas M	936	
Garrot, Pierre	1428	
Gibson, William F	238	
Giddings, Napoleon B	227	
Gilbreath, Simeon	1283	
Gilfoil, Patrick	829	
Gillett, Theodore J	1386	
Gittings, Samuel E	1423	
Glassie, D. W. and Minna H	85	
Gomez, Edwin	398	
Goodloe, Mariam, and others	1481	
Goodrich, A. E. and M. E	832	
Govan, J. J	658	
Graves, Mrs. C. H	78	
Green, Edman	1538	
Greenhill, Thomas C	650	
Gregory, James A	156	
Grimmett, Matthew H	1271	
Grisson, Sarah	653	
Grivot, Maurice, heirs of	376 1427	
Groom, William G	139	
Groves, John H	1165	
Guidry, Lesant, heirs of	831	
Gullory, Martin	832	
Gummo, John W	1813	
Hackney, B. R	321	
Hagerstown, Md	746	
Haigh, A. V	1042	

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Hall, Goff A	52	1
Hall, Warren	53	1
	1361	5
Haller, Jonathan	784	3
Hamilton, G. Dwight	375	2
Hamm, John M	1277	4
Hammon, Jacob	784	3
Hancock, William	1364	5
Handlin, William W	431	2
Harding, Francis E., estate of	1370	5
Harkins, Charles	1383	5
Harris, Thomas D., heirs of	103	1
Harter, Thomas O	849	3
Hartman, Jesse P	315	1
Harvill, Mrs. L. J	651	2
Hathaway, John R	721	3
Havens, Ezra S	114	1
Hayes, Samuel, deceased	1272	4
Hayford, Axel	69	1
Haywood, Mrs. W. Dallas	661	2
Hazen, G. M., and others	934	3
Heard, James A	650	2
Heberer, John	608	2
Heberlein, August, estate of	1270	4
Hebert, Eliza E	54	1
Hebron, Adeline L., estate of	649	2
Heiskell, Ann E	143	1
Henderson, Robert	1183	4
Henkel, Philip	1199	4
Henry, William M	319	1
Henson, Hugh M	42	1
Hernandez, Vidal	745	3
Herr, A. H., estate of	463	2
Hickman, M. T	1279	4
Higgins, John M	605	1
Higgins, Richard, estate of	658	2
Higgins, Thomas L	275	1
Hildreth, William W., deceased	36	1
Hill, Alexander, estate of	832	3
Hill, Joseph A	659	2
Hobbs; Thomas M	1724	7
Hoffman, R. H	322	1
Holbrook, Julia	659	2
Holland, James L., estate of	1271	4
Holmes, Martha W	1412	5
Holsten Female College	1272	4
Holt, C. G., administrator of Wiley	661	2
Holt, John M	1281	4
Honeycutt, Stephen M	850	3
Hoover, Benjamin, estate of	784	3
Hoover, James C	1281	4
Hopper, W. A., administrator of David	649	2
Hopper, William, deceased	17	1
Hough, Fannie	1481	5
Howard, Samuel	13	5
Howland, Juanita	1367	4
Hubbard, Mary Jane	1272	1
Hughes, William	48	1
Hughes, William C	1200	4
Hughes, William H., administrator	43	1
Humboldt Female College	1281	4
Hume, Isaac, estate of	784	3

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Humphries, Julia A	149	1
Hundley, William T	782	3
Huntsville, Ala., Methodist Episcopal Church of	264	1
Hurdle, Eunice	597	2
Hurley, R. A	2088	10
Huson, W. H	401	2
Interest on money expended in raising troops	555	2
Isgrig, Thomas C	412	2
Izard, Florimond	832	3
Jackson, Miss., Roman Catholic Church	903	3
Jackson, Tenn., First Methodist Church of	15	1
Jean, Francis, sr	832	3
Jefferson County, Ky., claims of certain citizens of	374	2
Jocknick, Gustavus F	612	2
Johnnot, William, and others, legal representatives of	1133	4
Johnson, A. S., administrator of Thomas	318	1
Johnson, Hiram, and others	19	1
Johnson, Joseph B	1271	4
Johnson, Peter	1336	5
Johnson, Richard W	1369	5
Johnson, Rinaldo and Ann E	890	3
Joiner, Nathan	1889	7
Jones, Francis S., estate of	651	2
Jones, Isaac and Thomas C., estate of	648	2
Jones, John	1271	4
Jones, John H	597	2
Jones, John H., heirs of	103	1
Jones, John H., legal representatives of	722	3
Jones, Thomas	648	2
Jordan, R. D., guardian	1272	4
Kaylor, Daniel	1281	4
Keating, Martin	879	3
Keegan, Mary E	330	2
Kelly, Peter, estate of	334	2
Kendall, William, legal representatives of	361	2
Kennedy, Leonora J	832	3
Kennedy, Margaret	95	1
	1671	7
Kergon, Thomas	335	2
Kerr, A. C	657	2
Kibler, Josiah and Jeremiah	784	3
Kilbourn, Benjamin J	1954	7
Kimmons, William M	597	2
King, Thomas J	936	3
Kirchner, George K	606	2
Knight, Isabella	936	3
Knight, Joseph	1428	5
Kolbe, Carl F	96	1
Koons, Anthony	34	1
Kouns, John, surviving partner of George L	1386	5
Kulage, Joseph, heirs of	1033	4
Labell, Charles	657	2
La Fayette Female Seminary, Colbert County, Ala	650	2
Lafferty, James	658	2
Lafleur, Ben M	832	3
Lafleur, Jean Pierre	832	3
Lafleur, Marcelin	832	3
La Grange Synodical College	29	1
	650	2
Lake, Daniel, deceased	1047	4
Lam, James, estate of	783	3
Lamar, Robert G	1025	4

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Lanier, N. B	649	2
Large, William	395	2
La Rue, Maria D	783	3
Lastrapres, Victor	832	3
Lauderdale, Elizabeth	936	3
Lavery, William	1471	5
Lawhead, William, administrator of John	327	2
Lawrence, L. J	1280	4
Lazare, Jean Baptiste, estate of	329	2
Leduff, Alexis	832	3
Lee, A. S	281	1
Lee, John	1298	4
Lee, Lucy Ann and Allen G	287	1
Lefoldt, Julius	785	3
Leftwich, Gertrude A	28	1
Legg, A. C., deceased	1274	4
Leiper, John	1281	4
Lemelle, Charles	832	3
Lemelle, E	1279	4
Lemelle, Leon	832	3
Lemelle, Ludger, estate of	832	3
Lemelle, Rigobert, estate of	832	3
Lement, Pierre	832	3
Lewis, Abner D	658	2
Lillard, B., estate of	1278	4
Linn, Jane	152	1
Lipscomb, James C	1268	4
Litten, Julius B	1271	4
Little Rock and Memphis Railroad Company	885	3
Livers, Fanny S	1500	5
Livingston, Anne C	68	1
Logan, Mary T., widow of A. L	651	2
Long, Henry W	657	2
Long, William R	936	3
Loudon County, Va., loyal citizens of	1018	4
Lovelace, Emma C	241	1
Lovell, Louisa Q., and others	12	1
Lovell, Margaret Jane	1366	5
Lowe, William W	1127	4
Luchman, William	785	3
Lusk, Soloman	434	2
Lutz, Andrew	141	1
Lutz, Morris	784	3
Lynch, John A	1577	5
McBrayer, John H	1543	5
McCann, Michael	1191	4
McClintock, Joseph B	148	1
McConnell, C. J	419	2
McCool, Wells C	466	2
McDaniel, John A	657	2
McElhose, James B	1704	7
McGloughlin, Virginia	329	2
McGuffee, G. V., sr	332	2
McLaughlin, Ammon	1386	5
McLaughlin, Nelson	317	1
McLean, Louisa E	1272	4
McLellan, Leander C	1594	5
McLemore, Sarah L., administratrix of John C	333	3
McLeod, Daniel, legal administrators of	797	3
McMinnville, Tenn., Cumberland Female College	18	1
McMurtrey, John	1271	4
McNairy, Hugh	126	1
McNamara, Stephen	1275	4

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
McNeill, John C	661	2
Macon City, Mo., Catholic Church	1592	5
Maddox, Laura E	886	3
Maddox, Margaret Virginia	970	4
Madison Female Institute	1050	4
Magill, Lydia A., administratrix	323	2
Mahon, Eliza Jane	652	2
Marklein, Charles	470	2
Marsh, Samuel	151	1
Marshall, Levin R., executors of	260	1
Marshall, Mo., The Christian Church	1065	4
Martin, Cyrus	554	2
Martin, John J., heir of Joseph	1279	4
Martinsburg, W. Va., St. Joseph's Catholic Church at	211	1
	467	2
German Evangelical Church	212	1
Methodist Episcopal Church	213	1
	465	2
Mastick, Henry, administrator of	1058	4
Mastin, Claude H	150	1
Matheny, Thomas M	396	2
Matlock, E. S., estate of	597	2
Matthews, William D	72	1
Meador, Zaddock	661	2
Meaher, Timothy, administrator of J. M	651	2
Meeha, Catherine Barry	346	2
Methodist Episcopal Church South, book agents of	20	1
Meuillon, Alphonso	832	3
Meuillon, Francis	329	2
Meuillon, Lucien	832	3
Michigan Cavalry, expenses of First	436	2
Middletown, Md	747	3
Miles, William T	1053	4
Miller, David	1146	4
Miller, James	662	2
Millet, Francis	359	2
Milley, S. B., administrator of Mary E	784	3
Minors who were discharged from the Army	896	3
Missouri, claims of militia organization of	695	3
Mitchell, James A	657	2
Mitchell, Sophia G	652	2
Mixon, William	1650	7
Mobile and Girard Railroad Company	341	2
Mobile Marine Dock Company	46	1
Moffitt, Alexander	31	1
Moiety claims of officers and crews of the Navy	242	1
Monahan, Mary E	327	2
Moneys collected by the United States, refund of	1363	5
Montgomery, Hugh	1279	4
Montgomery, Mary Ann	1691	7
Montgomery, Olivia F., and others	332	2
Montgomery, Pearson C	30	1
	1649	7
Montgomery, Robert H	461	2
Moody, B. F., & Co	279	1
Moonlight, Thomas	828	3
Moore, Stativa, and others	330	2
Moore, Stephen, administrator	17	1
Morehead City, N. C., Methodist church	1430	5
Morgan, Jesse B	936	3
Morgan, Robert E	77	1
Morgan, William S	936	3

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Morin, Catherine, heirs of	133	1
Morrow, William B	282	1
Moseley, William, jr	1695	7
Mount Zion Society	439	2
Mower, Joseph A., legal representatives of	1307	5
Mullin, Mary P	1335	5
Mullins, Martin	1189	4
Munday, G. W., administrator	832	3
Murdock, Emily	1371	5
Murphy, Dennis, sureties of	575	2
Murphy, James	649	2
Murphy, James, heirs of	1489	5
Murphy, J. J	330	2
Murray, Francis M	35	1
Musgrave, Emeline E	303	1
Nalley, Samuel M	302	1
Nash, Joseph C	85	1
Navy, moiety claims	242	1
Neal, W. H., estate of	1280	4
Neck, George, sr	832	3
Neet, John S., jr	225	1
Neidlinger, Charles V	1007	4
Nelson, John N	936	3
Nevada, claims of certain persons in	117	1
war claims of	254	1
Newell, Jane, estate of	1281	4
Newell, Jesse C	1333	5
New Haven, Conn., National New Haven Bank	667	2
Newman, James M	524	2
New Orleans, Union National Bank	86	1
Odd Fellows' Hall Association	405	2
New York, duties paid by the State on arms imported in 1863	1034	4
Nichols, Frank H., estate of	243	1
Nixon, Henry C	661	2
Noble, Lester	480	2
Noland, William H	1280	4
Northrup, Charles, estate of	1270	4
Nutt, Julia A	1800	7
Oakley, E. C., administrator	1280	4
O'Brien, William D	314	1
Ockerson, Daniel J	283	1
Odle, H. D	1798	7
Oglesby, I. T	1433	5
Okolona, Miss., Independent Order of Odd Fellows	648	2
Oliver, James M	1406	5
Orbison, Josiah B	1844	7
Oregon, war claims of	254	1
Orr, George A	1222	4
O'Shea, P. T	649	2
Otis, Samuel	69	1
Overton Hotel Company	331	2
Owen, Isham T	1496	5
Paillett, Hilliare, estate of	832	3
Parish, J. W	430	2
Parker, Rebecca V., estate of	832	3
Patterson, David K	648	2
Patton, S. K. H	313	1
Payne, James, & Co	75	1
Payne, William B	259	1
Pedersen, Mathias	1201	4
Peeden, Martha J., administratrix of Haywood	1271	4

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Pelletor, E. W	661	2
Pemberton, Fannie	306	1
Pennsylvania, war claims	166	1
reimbursing State for money expended for militia service	167	1
Perkins, Moses	111	1
Perry, O. H., administrator	1801	7
Peters, John L	613	2
Phillips, James B	1466	5
Phillips, John C	1890	7
Phillips, O. P	388	2
Pierce, Charles H	1297	4
Pitcher, William	69	1
Pitzer, T. T	1409	5
Platte County, Mo	1796	7
Platte City, Mo., Masonic Lodge	1031	4
Presbyterian Church		
Point Pleasant, W. Va., Methodist Church	827	3
Poitevent, William T	1652	7
Poland, Alexander, estate of	394	2
Pollard, A. W	128	1
Ponder, D. K	778	3
Pope, Daniel L., and others	1025	4
Porche, Louis V	1428	5
Poullain, Mildred P	417	2
Powel, Sarah A	327	2
Pratt, Albert J	1385	5
Priddy, John D., heirs of	1958	10
Priest, Matthew S	435	2
Pritchard, Catharine M	399	2
Quarles, W. A	1009	4
Quintard, George W	1049	4
Rabot, Jean Baptiste	832	3
Randolph, J. P	609	2
Randolph, Mary B. T., and others	592	2
Rather, James	1281	4
Ray, Vienna	784	3
Raymond, William G	1070	4
Rea, John A., estate of	1287	4
Redmond, Karoline C	1425	5
Reed, Thomas B	1192	4
Reeves, George W., estate of	659	2
Regan, James	288	1
Reilly, John	995	4
Reitz, Jonas F	1336	5
Restle, Leger	330	2
Rhea, John L., executor of Samuel	358	2
Rhodes, John, and wife	144	1
Rice, W. H	650	2
Richards, Alonzo H	936	3
Richards, Amelia A. H	400	2
Ripley, E. W., estate of	832	3
Ritchie, Cordelia A	796	3
Roach, Benjamin	332	2
Roach, John	710	3
	1048	4
Robb, William N	1544	5
Robertson, Anthony	784	3
Robertson, Mary H. S	51	1
Rodgers, Benjamin F	244	1
Romine, Mary J	936	3
Rose, Merritt	154	1

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Rowland, Thomas F	709	3
	1964	7
Rudd, J. C	142	1
Russell, Gerald	1368	5
Rutledge, Margaret J. and Mary	963	3
Ryan, M. B	1193	4
St. Charles, Mo., College	215	1
	1181	4
Salinas, Miguel	123	1
Sammis, John S	145	1
Sanders, David B	27	1
Sanders, John C., administrator	1278	4
Sanders, W. W	832	3
Sanderson, W. F	832	3
Sanford, Martha Ann	658	2
Saulpaw, George W	1986	10
Saunders, Edwin E	1386	5
Saunders, Henry S	300	1
Sauppe, Valentine	88	1
Savannah, Mo., Christian Church	1030	4
Scanlan, Mrs. W. H., widow of R. M	830	3
Schaumburg, James W	344	2
	1405	5
Schellhous, R. A	1182	4
Scott, John D	659	2
Scott, Samuel	649	2
Scott, Mrs. W. A	1280	4
Scoville. W. T	1386	5
Seabrook, James B	1025	4
Sessions, Franklin	648	2
Shacklett, H. W	604	2
Shade, George	1336	5
Shadel, Henry A., heirs of	1386	5
Shaffer, C. M	214	1
	464	2
Sheely, Mrs. Ann	829	3
Sheetz, Samuel, estate of	784	3
Shelby, J. C	1221	4
Shirley, Mrs. A	84	1
	1657	7
Short, Hatcher and Hiram	563	2
Sides, David	936	3
Sigur, John A	831	3
Simerley, Mary E	672	2
Simmons, H. S., estate of	1272	4
Simmons, J. W	659	2
Simpson, Cassa	1271	4
Sims, James	418	2
Singleton, H. C., estate of	1281	4
Smallwood, Howard F	781	3
Smith, Alfred	240	1
Smith, A. J	651	2
Smith, David D	1864	7
Smith, Dudley D., heirs of	1386	5
Smith, Grafton F., administrator of David	277	1
Smith, James W	783	3
Smith, Nancy C. and others	597	2
Smith, Sarah E. B	1647	7
Smith, Sarah G	110	1
Smith, Vasti	661	2
Smyser, Jacob H	1185	4
Snyder, James A., executor of Jacob	783	3

Subject.	Rept.	Vol
COMMITTEE ON WAR CLAIMS—Continued.		
Solair, Fannie	829	
Somerville, Hiram	304	
Soutter, William R	980	
Sowers, Frank S	1429	
Sparks, D. M., estate of	651	
Spaugh, Robert	265	
Spaulding, R. A., administrator	305	
Speck, David, estate of	783	
Sprinkle, S. D	1351	
Stack, Thomas	1490	
Stanley, William	1422	
Starn, Levi	553	
States, examination and settlement of accounts of certain	220	
claims of, for defense of United States	552	
interest on money expended in raising troops	555	
Stewart, James	1187	
Stiff, Martha	1387	
Stirman, Thomas V., deceased	157	
Stoddard, Alexander	261	
Storer, Abraham	783	
Stores and supplies, claims for	1510	
	1552	
Stork, Conrad	785	
Stovall, J. H	48	
Strickland, Jesse H	217	
Sugg, L. D	393	
Sullivan, John	218	
Summer, Margaret	649	
Swart, Barnett T	656	
Swartz, David	784	
Swoope, Susannah P	80	
Taggart, C. C	1012	
Talbott, Jacob T	1269	
Tate, Sally Sterrett	147	
Tatin, Jean Marie	832	
Taylor, George W., estate of	783	
Taylor, James, heirs of	1487	
Taylor, Jane	1724	
Taylor, Jane L	74	
Taylor, Stewart	1190	
Taylor, William E., and others	936	
Thompson, George W	784	
Thompson, John B	1206	
Thompson, Lewis	997	
Thomson, A. C	126	
Thorne, John D	146	
Tillman, Francis	1057	
Timberlake, S. R	1280	
Tolson, John T	1432	
Torrey, Joseph	1133	
Travilla, Robert	286	
Travis, W. C. M	130	
Traweek, Mrs. E. L	657	
Tucker, T. M	327	
Turland, Donophon	832	
Turley, William H	1486	
Turner, George	316	
Turner, Zeph	534	
Tuscumbia Masonic Lodge	650	
Underwood, John C	1276	
Unsell, David, deceased	43	
Urban, Anna M	1296	

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Urquhart, C. Augusta	397	2
Valleau, Sarah J	832	3
Vandiver, Robert R	76	1
Vaughan, W. H	155	1
Vauquat, Louis	329	2
Verdin, Romain, estate of	831	3
Vignes, Polona	832	3
Von Haake, Adolph	1567	5
Wagner, George	1058	4
Wakefield, Molisa O	960	3
Walker, Dabney, widow of	887	3
Walker, Julius	659	2
Walker, T. J	1280	4
Wallace, Thomas	658	2
Walls, Joseph L	780	3
Ward, Enoch P	458	2
Ware, Henry	44	1
Warterfield, P. F., deceased	1131	4
Washington, Lewis W	469	2
Wasson, Richard F., legal representatives of	1278	4
Watkins, Nancy J	650	2
Weaver, Tilghman, heirs of	1672	7
Webb, William S	650	2
Webster, I. B	113	7
Wells, James	1692	7
Wesson, Randolph	81	1
Westmoreland, Mary N	1271	4
West Virginia, refund of money to	468	2
Wheat, Isaac H	560	2
Whitaker, William	649	2
White, Thomas W	561	2
White, Zachariah J	1011	4
Whitney, Franklin S	509	2
	1802	7
Wilcoxen, J. Stephen	475	2
Wilhite, H	1891	7
Wilkes, Benjamin	815	3
Wilkes, Frances	1271	4
William and Mary College of Virginia	562	2
	1207	4
Williamson, A. O	1271	4
Williamson, John E	1206	4
Willis, Edward B	649	2
Wilson, Thomas W	936	3
Wilson, William D	102	1
	1656	7
Wilson, William F	462	2
Wolf, Edmund, heirs of	438	2
Wolfe, William	682	2
	1249	4
Wolfson, Caroline L., widow of Jacob A	1279	4
Wood, Gerard, heirs of	404	2
Woodbridge, William E	177	1
	1393	5
Woods, Samuel, legal representatives of	1410	5
Woodson, Tarleton, heirs of	1642	7
Worcester, Alfred J	226	1
Worthington, Hugh, heirs of	556	2
Wyatt, James H	457	2
Wyoming (steamship), crew of	360	2
Wyrick, James R	280	1
Wytsinger, John	1271	4

Subject.	Rept.	Vol.
COMMITTEE ON WAR CLAIMS—Continued.		
Young, Thomas L	684	2
Youngblood, Sarah E	1538	5
COMMITTEE ON WAYS AND MEANS—		
Amendment to section 3355, Revised Statutes	2046	10
Bagging for cotton, etc	503	2
Binding twine	502	2
Ores, silver-lead	1372	5
Rate of duty on chocolate	1436	5
System of subtreasuries	2143	10
Tin plate, terne plate, and taggers' tin	1040	4
Transportation of dutiable merchandise	173	1
Wearing apparel and personal effects admitted free of duty	1537	5
Woolen goods, to place wool on the free list and reduce duties on	501	2

INDEX TO HOUSE REPORTS.

DIVISION NO. 3.

SUBJECT OF REPORTS AND BY WHOM MADE.

Subject.	Rept.	Vol.
ABBOTT, JO.		
From Committee on Public Buildings and Grounds.		
To erect public buildings at—		
Hastings, Nebr	1098	4
Laredo, Tex	1104	4
Little Rock, Ark	1113	4
Mount Sterling, Ky	1822	7
ALEXANDER, SYDENHAM B.		
From Committee on Agriculture.		
Angora goats, importation and maintenance of	1094	4
Diseases of the horse	727	3
Domesticated reindeer in Alaska	1093	4
ALLEN, JOHN M.		
From Committee on Indian Affairs.		
Gainesville, McCallister and St. Louis Railway Company	386	2
Gainesville, Oklahoma and Gulf Railway Company	387	2
AMERMAN, LEMUEL.		
From Committee on Public Lands.		
Escambia Lodge, No. 15, F. and A. M	565	2
Patents to land in certain cases	1975	10
Kansas, homes for old soldiers	892	3
Mineral lands, examination and classification of certain	1415	5
Minnesota, public park in	694	3
Pittsburg, Fort Wayne and Chicago Railroad Company	842	3
Yosemite National Park, wagon road across portion of	506	2
ANDREW, JOHN F.		
From Committee on Foreign Affairs.		
Gallagher, Thomas	1921	7
Red Cross Association	1790	7
Trade relations with Mexico	1145	4
From Committee on Reform in the Civil Service.		
Alabama, violations of the civil-service law	1747	7
Fourth-class postmasters, appointment of	1403	5
To exclude political influence in the employment of laborers	821	3
ATKINSON, LOUIS E.		
From Committee on Claims		
Crawford, James S	905	3
Gonzales, Nasario	1073	4
Little, John	786	3
McLean, Sarah K	1668	7
Reeves, Clement	2117	10
Williams, Hobart	986	3
From Committee on Merchant Marine and Fisheries		
American registry of ships built in foreign countries (views of minority)	966	4
BACON, HENRY.		
From Committee on Banking and Currency.		
Branch National Bank at World's Columbian Exposition	1136	4
International American Bank	985	4
National banks, better control of and to promote the safety of	233	1

Subject.	Rept.	Vol.
BANKHEAD, JOHN H.		
From Committee on Public Buildings and Grounds.		
Armiston, Ala	1097	4
Clinton, Iowa	1099	4
Cumberland, Md	1096	4
Indianapolis, Ind	1676	7
Selma, Ala	1572	5
Tampa, Fla	1569	5
BARWIG, CHARLES.		
From Committee on Pensions.		
Hallam, John	1907	7
BELKNAP, CHARLES E.		
From Committee on Military Affairs.		
Belger, Fannie N	962	4
Boyd, Augustus	455	2
Brownson, Leonard L	1768	7
Burlington and Highgate, Va., military post on line of railway between	297	1
Campbell, Benjamin F	1770	7
Davis, John M	1756	7
Finley, James A	716	3
Heuston, Charles E	1054	4
Hugo, William H	873	3
Klauser, Emanuel	1522	5
Lane, Henry	1769	7
Little Rock, Ark., military post near	757	3
Long, James W	1140	4
McLean, Sarah K	1313	5
McMahan, John	382	2
New Bedford, Mass., public park	1398	5
Pierce, William	1754	7
Ransom, Dunbar R	1776	7
San Diego, Cal., harbor defenses	756	3
Schwaz, Christian	1310	5
Semmler, Louis	1309	5
Smith, William, and others	1772	7
Stanley, David S	1245	4
Stivers, Charles B	1767	7
Ulrich, Ernest	1771	7
Winder, William A	108	1
BELTZHOOVER, FRANK E.		
From Committee on Railways and Canals.		
Survey of ship canal from Philadelphia to New York Bay	2002	10
From Committee on War Claims.		
Antisell, Thomas	389	2
Archer, Henry W., representatives of	79	1
Berks County (Pa.) Agricultural Society	698	4
Brantly, W. S., executor of J. H	390	2
Bruen, John T	535	2
Chester, Lester P., and others	1288	4
Columbia Bridge, Pennsylvania, legal owners of	777	3
Fourth of July claims	1248	4
Frederick, Md	520	2
Graves, Mrs. C. U	78	1
Hagerstown, Md	746	3
Jackson, Miss., Roman Catholic Church	903	3
Kennerly, Charles M	1218	4
Lavery, William	1471	5
Middletown, Md	747	3
Miller, David	1146	4
Minors, pay and allowance to those discharged	896	3
Morgan, Robert E	77	1
Moseley, William, jr	1695	7

Subject.	Rept.	Vol.
BELTZHOOVER, FRANK E.—Continued.		
From Committee on War Claims.		
Noble, Lester	480	2
Pennsylvania, war claims of	166	1
money expended in militia service by	167	1
Sauppe, Valentine	88	1
Swoope, Susannah P	80	1
Vandiver, Robert R	76	1
Whitney, Franklin S., legal representatives of	509	2
William and Mary College, Virginia	562	2
	1207	4
Wolf, Edmund, heirs of	438	2
BENTLEY, HENRY W.		
From Committee on the Eleventh Census.		
Eleventh Census	1708	7
From Committee on Railways and Canals.		
Ship canal from the Great Lakes to the navigable waters of the Hudson River	1023	4
BERGEN, CHRISTOPHER A.		
From Committee on the Post-Office and Post-Roads.		
Mail service	690	3
From Committee on Railways and Canals.		
State canals	1022	4
BINGHAM, HENRY H.		
From Committee on Military Affairs.		
Fort Mifflin, sale of certain lands	1944	7
BLANCHARD, NEWTON C.		
From Committee on Rivers and Harbors.		
Appropriation bill	967	4
Dams across Kansas River	557	2
BLAND, RICHARD P.		
From Committee on Coinage, Weights, and Measures.		
Gold and silver bullion, free coinage of	249	1
	1839	7
BLOUNT, JAMES H.		
From Committee on Foreign Affairs.		
Diplomatic relations with foreign countries	891	3
Reciprocal commercial relations with Canada	1957	10
BOATNER, CHARLES J.		
From Committee to Investigate Charges Respecting Conduct of Members on the Floor of the House.		
Report of investigation	2132	10
From Committee on the Judiciary.		
District of Columbia, police court of	1926	7
Ley, John Henry	2078	10
	2083	10
Questions of fact	189	1
Trade and commerce, to protect	1418	5
From Committee on Reform in the Civil Service.		
Violations of the civil service law at Baltimore	1669	7
BOWERS, WILLIAM W.		
From Committee on Military Affairs.		
Anderson, Allen	589	2
Bamfield, James	579	2
Behle, Charles H	1220	4
Britton, William	1088	4
Butler, John M	588	2
Casey, Robert	104	1
Cole, Broad	586	2
Donaldson, Mary E	811	3
Dyer, Lucius L	1521	5
Eckerson, George W	362	2

Subject.	Rept.	Vc
BOWERS, WILLIAM W.—Continued.		
From Committee on Military Affairs.		
Ferrell, Hugh	584	
Freeman, R. V	591	
Garrard, Charles T	592	
Gassett, John W	578	
Grant, Chester F	107	
Gray, James E	106	
Grugett, Andrew L	595	
Hart, Rodman	876	
Henry, George M	1811	
Kale, Wilson	1396	
Kelly, Francis J	1402	
Lake, Romantus	748	
McLean, Cornelius	594	
Markham, Pleasant	585	
Millican, Wfilliam	878	
Moore, Robert	581	
Price, William B	1090	
Randleman, John H	744	
Schachleiter, George W	1091	
Speigleburg, Wilhelm	1658	
Stimson, Hiram	258	
Taylor, John W	1461	
Thurmond, Harrison	590	
Wackerly, Joseph	1087	
Wagnon, Thomas D	582	
Ward, Daniel	587	
Warrender, Samuel	577	
Wells, Edwin A	877	
Whitham, Charles	583	
Wilkinson, Warren W	1520	
Williams, Isaac	580	
Williams, Joseph C	593	
From Committee on Pensions.		
Donaldson, Mary E	811	
BRAWLEY, WILLIAM H.		
From Committee on Indian Affairs.		
Southern Ute Indians	1205	
Uncompahgre Reservation, changing boundary of	1076	
BRECKINRIDGE, WILLIAM C. P.		
From Committee on Appropriations.		
Fortification appropriation bill	1257	
Sufferers by overflow of the Mississippi River in Warren County, Miss	1419	
BRICKNER, GEORGE H.		
From Committee on Expenditures in the Treasury Department.		
Assistant and chief clerk, office Supervising Architect, Treasury Department	1212	
Supervising Architect, salary of	1211	
Leaves of absence for certain officers and employés of the Customs Service	1213	
From Committee on Interstate and Foreign Commerce.		
Beacon lights and buoys on Willamette River	1256	
Light-houses and other aids to navigation	1041, 1458	
Pansey, light-house steamer	986	
Signal display station, Middle and Thunder Bay islands, Lake Huron	1501	
Squan Inlet light-station, New Jersey	965	
Tibbetts Point, Lake Ontario, New York, fog signal at	1648	
Tybee Island, Georgia	916	

Subject.	Rept.	Vol.
BRODERICK, CASE.		
From Committee on the Judiciary.		
United States courts, fees of jurors and witnesses in certain States and Territories	424	2
District of Kansas, third division	571	2
From Committee on Printing.		
Houk eulogies	364	2
House Manual and Digest	762	3
Board of Ordnance and Fortifications, report of	1346	5
National Academy of Sciences for 1891, report of	1345	5
BROOKSHIRE, ELIJAH V.		
From Committee on the Post-Office and Post-Roads.		
Pneumatic postal communication at Philadelphia, Pa	2049	10
BROSIUS, MARRIOTT.		
From Committee on Reform in the Civil Service.		
Alabama, violations of the civil-service laws in, views of minority	1747	7
BROWN, JASON B.		
From Committee on Elections.		
Craig *vs.* Stewart	367	2
BRUNNER, DAVID B.		
From Committee on Private Land Claims.		
Metoyer, Benjamin, legal heirs of	1326	5
Williams, Lucretia	1578	5
BRYAN, WILLIAM J.		
From Committee on Public Buildings and Grounds.		
Lincoln, Nebr	728	3
From Committee on Ways and Means.		
Binding twine	502	2
BUCHANAN, JAMES.		
From Committee on the Judiciary.		
Biggs, Asa, estate of	750	3
Brockenburg, John, estate of	749	3
Centennial Board of Finance	1150	4
Evanston, Wyo., term of United States court at	984	4
Jurisdiction of the district and circuit courts of the United States	271	1
United States courts, form, practice, and proceedings in actions in	994	4
From Committee on Patents.		
Statutes relating to patents	1494	5
BUCHANAN, JOHN A.		
From Committee on the Judiciary.		
Amendment to the Constitution	294	1
Appeals in capital cases	1607	5
Appeals to Supreme Court	1825	7
Assembling of Congress	810	3
Corporate sureties in Federal courts and departments	1229	4
Judgment sales	270	1
Revised Statutes of the United States, section 856	801	3
Sales of leaf tobacco	940	3
Uniform system of bankruptcy, views of the minority	1674	7
From Committee on Merchant Marine and Fisheries.		
Regulating the fisheries	1350	5
BULLOCK, ROBERT.		
From Committee on Claims.		
Blum, Emile M	1828	7
Bond, William & Co. and others	1519	5
Bonfoey, Davis B., heirs of	794	3
Bonfoey, Davis B. and Emma W., heirs of	1829	7
Day, Nancy E	1600	5
Denham, Merril	1797	7
Eggleston, J. R	1603	5

Subject.	Rept.	Vo
BULLOCK, ROBERT—Continued.		
From Committee on Claims.		
Florida, claim of	273	
Jennings, R. L	2042	
Otis, George K., legal representatives of	1726, 2044	
Scott, W. T. and others	882, 1284	
Seymour, James M	1828	
Southern Railroad Association	1579	
Tallapoosa, United States steamer, sufferers by wreck of	2043	
Teed, Theodore, heirs of	1763	
Willbur, James M	921, 1599	
BUNN, BENJAMIN H.		
From Committee on Claims.		
Betts, Nichols & Co	97	
Blackburn, W. Jasper	1464	
Blaisdell, Albert	741	
Bonner & Merriman	766	
Bouldin, Briscoe B	742	
Brandt, Charles T	1721	
Burton, Patrick P., widow of	1584	
Charleston, S. C., Citadel Academy	1720	
Cowles, Calvin J	930	
Freyre, Mrs. Luis	1465	
Gaugers and other internal-revenue employés	371	
Goodloe, G. C	904	
Gulic, Benjamin F	1583	
Gutherie, Louisa S	720	
Hanna, George B	930	
Haxthausen, Joseph	89	
Haynes, James J	1476	
Hurley, Edward	1773	
Hollcroft, Elijah P. T	91	
Hosack, W. S	378	
Howard, W. H	931	
Kennedy, P. B	764	
King, J. D	765	
Kirkpatrick, S	2074	
Kountz, W. J	763	
Landram, William J	1474	
Lewis, John W	1581	
Lutterloh, Thomas	1723, 2037	
Maddox, Martin	1722	
Merriam, J. E	1475	
Noble, Noah, heirs of	92	
Quinn, William H	370	
Raleigh, N. C	1697	
Ramsey, F. G	90	
Read, John B	372, 779	
Reiner, Herman	1613	
Reiner, Herman, jr	1613	
Rother, Frank	1582	
Setzer, Henry	373	
Shannon, Joseph R	1062	
Smith, W. J	1480	
Tapp, W. J. & Co	93	
Trenton and *Vandalia*, ships, wreckage of	824	
Treutlen, John R., heirs of	369	
Wachner, S	2073	

Subject.	Rept.	Vol.
BUNN, BENJAMIN H.—Continued.		
From Committee on Claims.		
Wisdom, D. M	1480	5
Young, John L	1612	5
BUNTING, THOMAS L.		
From Committee on Labor.		
Investigation of the slums of cities	625	2
Labor statistics	514	2
BUTLER, WALTER H.		
From Committee on Invalid Pensions.		
Army nurses	802	3
Atherton, Amanda	858	3
Banister, Elizabeth M	1299	4
Brainard, Martha Noble	1236	4
Chamberlin, Mary	1443	5
Corcoran, Mary J	1590	5
Cowgill, Sarah	1450	5
Criner, Eliza A	1808	7
Cullen, James	1914	7
Davis, Annie	1919	7
Doolittle, Esther	41	1
Eicks, William	982	3
Evidence in application	627	2
Goff, Ellen	529	2
Green, Ann M	1915	7
Henderson, Sarah L	40	1
Johnson, Anna P	1235	4
Judd, Joanna	1618	5
Kagwaich, Sophia	1880	7
Leach, Orinda	770	3
Locke, Sarah J	1738	7
Lomasney, Susan	1392	5
McGeorge, Betsey	2063	10
McNeil, Jane	1740	7
Millard, Mary	1162	4
Miller, Martha E	2062	10
Morris, Jennie B	459	2
Noble, Sarah A	1451	5
Northrup, Anson	2066	10
Northrup, Anson, views of the minority	2066	10
Pangborn, Sarah L	1645	7
Parsons, Marrilla	1434	5
Reik, Emily	1739	7
Ronaldson, Sarah L	1234	4
Sheldon, Thomas F	2003	10
Shierry, Jane	57	1
Sipp, Mary A	857	3
Smith, Sarah F	1881	7
Stewart, Electa Ann	1646	7
Stiers, Ivy	1449	7
Swigart, Sallie M	771	3
Thompson, Lodusky	1882	7
Tompkins, Julia S	1161	4
Van Nest, Sarah L	2004	10
Voss, Elizabeth	1160	4
White, Cecelia	530	2
Wolcott, Sabra A	1300	4
BYNUM, WILLIAM D.		
From Committee on the Eleventh Census.		
Report on wages	1315	5
From Committee on the Judiciary,		
Amending the internal-revenue laws	159	1

Subject.	Rept.	Vol.
BYNUM, WILLIAM D.—Continued.		
From Committee on the Judiciary.		
Deeds and other records of the office of Indian Affairs	1316	5
Desecration of United States flag	541	2
Missouri, western district of, times for holding courts	755	3
Payment of certain moneys to South Carolina	1262	4
Protection of persons furnishing material and labor for the construction of public works	1973	10
Supreme court, Oklahoma, additional associate justices	1413	5
BYRNS, SAMUEL.		
From Committee on Claims.		
Bishop, Joshua	2025	10
Booth, James C., deceased	379	2
Brice, William, & Co., and others	2018	10
Burks, John M	2017	10
Chambers, Thomas	1062	4
Council Bluffs, Iowa	793	3
Finn, John	2024	10
Guineau, Thomas	380	2
Hammaker, W. S	2026	10
Hunter, Samuel G	1064	4
Jones, Benjamin F	2011	10
Manning, James	2019	10
Nebraska, reimbursement of certain money	1541	5
Ross, Mary L	1063	4
Rowena, scow	381	2
Selby, Arthur P	1069	4
Waite, C. S	2020	10
Winslow, Nathan C. and Hezekiah J., heirs of	2012	10
Woodson, Daniel	880	3
CABLE, BENJAMIN T.		
From Committee on Foreign Affairs.		
Additional compensation to assistant commissioners, Melbourne Industrial Exhibition	1378	5
Barnes, George W	1384	5
CADMUS, CORNELIUS A.		
From Committee on District of Columbia.		
Reformatory and House of Detention	846	3
From Committee on War Claims.		
Abbott, Francis L	1317	5
Benter, Francis A	1984	10
Bigler, James	1539	5
Burton, Henry H	1424	5
Candy, Charles	1273	4
Falls, Jane	1985	10
Gittings, Samuel E	1423	5
Harkins, Charles	1383	5
Hurley, R. A	2088	10
Johnson, Richard W	1369	5
Miles, William T	1053	4
Mower, Joseph A., legal representatives of	1307	5
Pierce, Charles H	1297	4
Pratt, Albert J	1385	5
Raymond, William G	1070	4
Redmond, Karoline C	1425	5
Stanley, William	1422	5
Wyoming, United States steamship, crew of	360	2
CAMINETTI, ANTHONY.		
From Committee on Agriculture.		
Forest reservations, California	2096	10
From Committee on Mines and Mining.		
Hydraulic mining, California	937	3

Subject.	Rept.	Vol.
CARUTH, ASHER G.		
From Committee on Interstate and Foreign Commerce.		
Kentucky and Indiana Bridge Company	1452	5
Dunkirk, N. Y	1845	7
CATCHINGS, THOMAS C.		
From Committee on Railways and Canals.		
Ship canal connecting Lake Erie with Ohio River	1416	5
From Committee on Rules.		
Census Office, investigation of	961	4
Civil-service investigation	1141	4
To investigate the Pension Bureau	257	1
CHIPMAN, J. LOGAN.		
From the Committee on Foreign Affairs.		
Anti-Jewish laws of Russia	1000	4
CLANCY, JOHN M.		
From Committee on War Claims.		
Allen, Lewis D	669	2
	671	2
Atlantic Works	1965	10
Badeaux, Ulger V	1373	5
Bishop, Clarissa	1373	5
Boston, Mass	711	3
Briscoe, Jackson	670	2
Bristol, Louis H	1374	5
Buckmaster, William P., heirs of	1489	5
Danolds, Charles A	655	5
Desmarc, Alphonse	1373	2
Duties paid by the State of New York on arms imported in 1863	1034	5
Edwards, W. W	1373	4
Field, John A	654	2
Gallagher, Charles	712	3
	713	3
Huson, W. H	401	2
Murphy, James, heirs of	1489	5
Quintard, George W	1049	4
Roach, John, assignees of	710	3
	1048	4
Rowland, Thomas F	709	3
	1964	10
Simerley, Mary E	672	2
Stack, Thomas	1490	5
Swart, Barnett T	656	2
Wood, Gerard, heirs of	404	2
CLARK, CLARENCE D.		
From Committee on Public Lands.		
Registers and receivers, fees of	989	4
Wyoming (abandoned military reservations)	1942	7
Entry of certain lands	1204	4
CLOVER, BENJAMIN H.		
From the Committee on Indian Affairs.		
Grubb & Robinson	1751	7
Citizen band of Pottawatomie Indians	851	3
Ayres, Eli	2113	10
COBB, JAMES E.		
From the Committee on the District of Columbia.		
Delivery and sale of ice on Sunday	1440	5
Fourth Street Methodist Church	1831	7
Protection of property	2001	10
From Committee on Elections.		
Nores *vs.* Rockwell, views of minority	968	4

Subject.	Rept.	Vol.
COBB, SETH W.		
From Committee on War Claims.		
Anderson, Charles P	1397	5
Anderson, David B., deceased	1166	4
Anderson, William H	1673	7
Andes, Abraham	784	3
Blasser, Joseph	784	3
Botto, Luigi	1888	7
Bridger, James	1576	5
Buckey, Mary E	781	3
Buckholder, Martin, administrator of Abraham	784	3
Butler, Phillip T	785	3
Cahalan, Edward	576	2
Cheek, Mrs. Nelson	785	3
Clara Bell, steamer	1219	4
Cole, Mrs. S. M	783	3
Coleman, Sarah and Florence	1282	4
Connell, Michael	785	5
Crabill, Joseph D., estate of	784	3
Crenshaw, A. L. H	112	1
Crews, Hamilton	345	2
Cronk, Charles W	1568	5
Crosby, William	783	2
Deford, James, heirs of	1651	7
Dieters, John	1924	7
Dolman, Jacob	784	3
Downey, Amelia	784	3
Doyle, Johanna	785	3
Duvall, Tandy	784	3
Engelhardt, Margaretha	1935	7
Farnsworth, D. D. T	1670	7
Flick, Catharine	784	3
Gilbreath, Simeon	1283	4
Gummo, John W	1813	7
Haller, Jonathan	784	3
Hammon, Jacob, estate of	784	3
Hathaway, John R	721	3
Havens, Ezra S	114	1
Hernandez, Vidal	745	3
Herr, A. H., estate of	463	2
Honeycutt, Stephen M	850	3
Hoover, Benjamin, estate of	784	3
Hume, Isaac, estate of	784	3
Hundley, William T	782	3
Kennedy, Margaret	1671	7
Kibler, Josiah and Jeremiah	784	3
Kilbourn, Benjamin J	1954	7
Kulage, Joseph, heirs of	1033	4
Lam, James, estate of	783	3
La Rue, Maria D	783	3
Lefoldt, Julius	785	3
Legg, A. C., deceased	1274	4
Luchman, William	785	3
Lutz, Morris	784	3
Macon City, Mo., Catholic Church	1592	5
Marshall, Mo., the Christian Church	1065	4
Mecha, Catherine Barry	346	2
Milley, S. B., administrator of Mary E	784	3
Mixon, William	1650	7
Montgomery, Robert H	461	2
National banks, receivers of	922	3
Newell, Jesse C	1333	5

Subject.	Rept.	Vol.
COBB, SETH W.—Continued.		
From Committee on War Claims.		
Nutt, Julia A	1800	7
Oliver, Isham T	1496	5
Oliver, James M	1406	5
Orbison, Josiah B	1844	7
Orr, George A	1222	4
Owen, Isham T	1496	5
Peters, John L	613	2
Phillips, O. P	388	2
Platte County, Mo	1796	7
Platte City, Mo., Presbyterian Church and Masonic lodge	1031	4
Ponder, D. K	778	3
Ray, Vienna	784	3
Robertson, Anthony	784	3
St. Charles College	1181	4
Saulpaw, George W	1986	10
Savannah (Mo.) Christian Church	1030	4
Sheetz, Samuel, estate of	784	3
Smallwood, Howard F	781	3
Smith, David D	1864	7
Smith, James W	783	3
Smith, Sarah G	110	1
Snyder, James A., executor of Jacob	783	3
Soutter, William R., deceased	980	4
Speck, David	783	3
Sprinkle, S. D	1351	5
States, accounts of	220	1
Storer, Abraham	783	3
Stork, Conrad	785	3
Swartz, David	784	3
Taylor, George W., estate of	783	3
Taylor, James, heirs of	1487	5
Thompson, George W	784	3
Thompson, Lewis, executors of	997	4
Turley, William H	1486	5
Von Haake, Adolph	1567	5
Walls, Joseph L	780	3
Weaver, Tilghman, heirs of	1672	7
Welkes, Benjamin	815	3
White, J. Zachariah, legal representatives of	1011	4
Whitney, Franklin S	1802	7
Webster, I. B	113	1
Wilson, William F	462	2
Wolfe, William	682 1249	2 4
Woodson, Tarleton, heirs of	1632	5
Wyatt, James H	457	2
COCKRAN, W. BOURKE.		
From Committee on Ways and Means.		
Rate of duty on chocolate	1436	5
COGSWELL, WILLIAM.		
From Committee on the District of Columbia.		
Prevention of cruelty to children or animals	1215	4
COOMBS, WILLIAM J.		
From Committee on Interstate and Foreign Commerce.		
Revised Statutes, sections 2807 and 2881	1129	4
COOPER, GEORGE W.		
From Committee on Accounts.		
Messenger for Committee on Rivers and Harbors	473	
COWLES, WILLIAM H. H.		
From Committee on Mines and Mining.		
Executive department of mines and mining	1033	4

Subject.	Rept.	Vo
COWLES, WILLIAM H. H.—Continued.		
From Committee on Mines and Mining.		
McGarrahan, William	245 1587	
Mining débris in California	165	
COX, ISAAC N.		
From Committee on Claims.		
Backman, Charles	1595	
Beckley, R. D	1596	
Dennis, James H	1601	
Dunbar, Charles F	881	
Ericsson, John, estate of	1225	
Harrison, R. F	792	
Hayes, Thomas G	1705	
Howard, Leon	1596	
Kelsey, James E., and others	674	
Kentucky, Simpson County court of	812	
Lee, Franklin	881	
Milliken, Samuel, heirs of	676	
Old Dominion Steamship Company	673 1902	
Rogers, Charles E	1727	
Saint Clair, Archie	1727	
Trask, Mrs. E	978	
Waller, John	1597	
Western Beet Sugar Company, California	813	
COX, NICHOLAS N.		
From Committee on Claims.		
Bryan, C. B. & Co	809	
Catonsville (Md.) St. Timothy's Church	789	
Cheatham, Adelicia	263 974	
Dabney, Simmons & Co	414	
Dennis, James H	1601	
Hooper, James	872	
Lincoln, Nebr	1690	
Morgan, Thomas P., jr	1056	
Whitfield, John W., estate of	1407	
CRAIN, WILLIAM H.		
From Committee on Election of President and Vice-President and Representatives in Congress.		
Terms of President, etc., changing beginning and termination of	543	
From Committee on Interstate and Foreign Commerce.		
Laredo, Tex., subport of entry	1014	
Interstate Commerce Commission	1457	
Brownsville, Tex., bridge across the Rio Grande at	1016	
CROSBY, JOHN C.		
From Committee on Military Affairs.		
Beach, Warren C	1593	
Boag, William R	1462	
Bowen, George E	1936	
Carrick, Robert	1125	
Dunfee, Nicholas	874	
Groat, Abram	498	
Jack, John A	2022	
Kane, James	875	
Keefe, Michael, deceased	94	
Kent, Henry O	1750	
Lahahan, John D	1753	
Lang, Nathaniel	450	
Larkin, William J	1854	

Subject.	Rept.	Vol.
CROSBY, JOHN C.—Continued.		
From Committee on Military Affairs.		
McKinney, George W	1755	7
Military telegraph lines	1005	4
Pyer, Charles G	1804	7
Shear, Lansing	1752	7
Thompson, James M	497	2
Unterleiter, Henry	1442	5
Wallace, David R., deceased	2021	10
Warren, John	496	2
Webb, William W	451	2
From Committee on the Post-Office and Post-Roads.		
Third and fourth class mail matter	1311	5
CULBERSON, DAVID B.		
From Committee on the Judiciary.		
Captured and abandoned property act, claims arising under	1377	5
Circuit courts of appeals	1258	4
Court of appeals, District of Columbia	1172	4
Courts in eastern district of Texas, time of holding	231	1
Court of private land claims	908	3
Cumberland, Md., terms of United States circuit and district courts	405	2
Exclusion of intoxicants from Indian Territory	1866	7
Jurisdiction of the district and circuit courts of the United States	271	1
Moneys collected under the direct-tax act to be paid to the State of West Virginia	1941	7
Reserve fund	1780	7
Tatnall, John R. F	6	1
CUMMINGS, AMOS J.		
From Committee on the Library.		
Bancroft, George, library of	1947	7
Bancroft, Hubert Howe, library of	1795	7
Beaufort, S. C., Beaufort Library Society	1294	4
Executive Mansion, oil paintings for	1293	4
Fort Greene, Brooklyn, monument at	169	1
Harrison, William Henry, monument to	1217	4
Historical manuscript relating to the District of Columbia	1216	4
Lafayette statue, dedication of	1644	7
Marquette, Pierre, statue of	990	4
Put-in-Bay, Ohio, monument at	1214	4
Saratoga monument	168	1
Smithsonian Institution, vacancies in the Board of R gents	4	1
Society of the Colonial Dames of America	256	1
Sutter, John A	1255	4
Thomas, George H., portrait of	1923	7
Townsend's library	1707	7
From Committeee on Naval Affairs.		
Dry dock near Algiers, La	251	1
CURTIS, N. MARTIN.		
From Committee on Invalid Pensions.		
Execution of declarations in pension claims	559	2
Alexander, Adeline	527	2
Allen, Jane	101	1
Boodger, Adda L	460	2
Cheney, Wells	87	1
Cota, Harriet	1815	7
Danahay, Mary	1563	5
Davis, Cassie A	959	4
Finney, Abigail L	1349	5
Haskell, Lucy	415	2
Johnson, Emma	1303	5
Kennedy, Lydia M	769	3

Subject.	Rept.	Vol.
CURTIS, N. MARTIN—Continued.		
From Committee on Invalid Pensions.		
Kennock, Dora E	1883	7
Leonard, Lois P	1083	4
Niles, Harriet E	2005	10
Putman, Eunice	2098	10
Sherman, Jane A	1667	7
Van Vliet, Evalyn	1918	7
Woodbury, Harriet	1884	7
Taylor, Ida A	1621	5
CUTTING, JOHN S.		
From Committee on the Militia.		
Efficiency of the militia	754	3
DALZELL, JOHN.		
From Committee on Ways and Means.		
Cotton bagging and machinery	503	2
DANIELL, WARREN F.		
From Committee on Naval Affairs.		
Perkins, George H	1498	5
	1899	7
DAVIS, JOHN.		
From Committee on Labor.		
Employment of convict labor on Government works	1312	5
DE ARMOND, DAVID A.		
From Committee on the Public Lands.		
Montana Mineral Railway Company	854	3
New Madrid location survey	1542	5
DICKERSON, WORTH W.		
From Committee on Accounts.		
Assistant doorkeeper	293	1
Closets and corridors in the terrace	1325	5
Messenger to Committee on Agriculture	2128	10
Rent of branch folding room	269	1
Uline, C. S	1324	5
From Committee on Banking and Currency.		
National-bank notes stolen from or lost by banks of issue	1019	4
DOCKERY, ALEXANDER M.		
From Committee on Appropriations.		
District of Columbia appropriation bill	495	2
	1167	4
World's Fair expenditures	1454	6
DOLLIVER, JONATHAN P.		
From Committee on Naval Affairs.		
Jouett, James E	929	3
O'Brien, Oliver	2035	10
From Committee on War Claims.		
Abby Ellen, brig, owners of	70	1
Aldrich, E. J	284	1
Alexander, Thomas L., legal representatives of	1400	5
Balzer, Gustavus A	1787	7
Boutwell, D. W	433	2
Brott, George F	124	1
Buder, Edward A	607	2
Bushby, William	67	1
Caine, Catherine	276	1
Cameron, Emma S	550	2
Cameron, James and Emma S	888	3
Carson, Henry Polite	611	2
Chapman, Henley W	1401	5
Clapp, Sarah A	274	1
Collards, W. H., and others	1336	5
Dickson, D., and others	935	3
Dittlinger, Michael	429	2

Subject.	Rept.	Vol.
DOLLIVER, JONATHAN P.—Continued.		
From Committee on War Claims.		
Donnell, George O	115	1
Downs, Francis	1365	5
Evans, Samuel	1411	5
Expenses First Michigan Cavalry	436	2
Ferguson, George B	69	1
Galland, Washington	116	1
Hancock, William	1364	5
Handlin, William W	431	2
Harter, Thomas O	849	3
Hayford, Axel	69	1
Hazen, G. M., and others	934	3
Heberer, John	608	2
Henkel, Philip	1199	4
Holmes, Martha W	1412	5
Howland, Juanita	1367	5
Hughes, William C	1200	4
Johnson, Peter	1336	5
Kansas, claims of citizens	602	2
Kennedy, Margaret	95	1
Kirchner, George K	606	2
Kolbe, Carl F	96	1
Lee, John	1298	4
Livingston, Anne C	68	1
Lovell, Margaret Jane	1366	5
Lusk, Solomon	434	2
Lynch, John A	71	1
McCool, Wells C	466	2
Mahon, Eliza Jane	652	2
Martinsburg (W. Va.) Methodist Episcopal Church	213 465	1 2
Martinsburg (W. Va.) German Evangelical Church	212	1
Martinsburg (W. Va.) St. Joseph's Catholic Church	211 467	1 2
Matthews, William D	72	1
Mitchell, Sophia G	652	2
Mullin, Mary P	1335	5
Ockerson, Daniel J	283	1
Otis, Samuel, heirs of	69	1
Pedersen, Mathias	1201	4
Pitcher, William, heirs of	69	1
Priest, Mathew S	435	2
Rea, John A., estate of	1287	4
Russell, Gerald	1368	5
Ryan, M. B	1193	4
Salinas, Miguel	123	7
Schellhous, R. A	1182	4
Settlement of claims for arrears of pay and bounty	484	2
Shaffer, C. M	214 464	1 2
Smith, Grafton F., administrator of David	277	1
Taggart, C. C	1012	4
Urban, Anna M	1296	4
Washington, Lewis W., deceased	469	2
West Virginia, refund of money to	468	2
Wilcoxen, J. Stephen	475	2
Woods, Samuel, legal representatives of	1410	5
Worthington, Hugh, heir of	556	2
DUNGAN, IRVINE.		
From Committee on Labor.		
Bureau of Engraving and Printing, leave of absence to employés	408	2

Subject.	Rept.	Vol.
DUNPHY, EDWARD J,		
From Committee on the Post-Office and Post-Roads.		
Pay of letter-carriers	1725	7
DURBOROW, ALLEN C.		
From Committee on the Columbian Exposition.		
Dedication of buildings of the Columbian Exposition	2091	10
Foreign exhibitors, laborers of	2123	10
Four hundredth anniversary of the discovery of America	1660	7
National Highway Commission	2122	10
National Highway Commission	2045 2122	10 10
Proclamation relative to observance of four hundredth anniversary of the discovery of America	1527	5
ELLIOTT, WILLIAM.		
From Committee on Naval Affairs.		
Palmer, N. F., jr., & Co	1774	7
Pneumetic Dynamite Gun Company, New York	1680	7
ELLIS, WILLIAM T.		
From Committee on Revision of Laws.		
Certain volunteer and regular soldiers	1381	5
Leave of absence for members of the Grand Army of the Republic during the encampment	1382	5
Office of congressional correspondence and department business	479	2
Publication of the Revised Statutes	1955	7
Purchase of and contracts for supplies	1417	5
ENGLISH, THOMAS DUNN.		
From Committee on Indian Affairs.		
Protection from trespassers	1530	5
Shawnee and Delaware Indians, claims of	1554	5
Smith, Nimrod J	1827	7
White Mountain Apache Indian Reservation	1857	7
Yuma Pumping Irrigation Company	1856	7
ENLOE, BENJAMIN A.		
From Committee on Post-Office and Post-Roads.		
Ocean mail service	699	3
Salaries of railway postal clerks	624	2
From Committee on War Claims.		
Act July 4, 1864, claims under	38	1
Adle, H. D	1798	7
Alexander, William J	289	1
Anderson, James C., estate of	1280	4
Bank of Louisiana, creditors of	403	2
Barron, Mary	1017	4
Beard, I. B	327	2
Black, L. E	1280	4
Book agents of the Methodist Episcopal Church, South	20	1
Branch, Jesse L	1281	4
Brown, A. M	1281	4
Burke, Edward, administrator	334	2
Carter, Alfred B	328	2
Church and school buildings	11	1
Clark, Stephen D	241	1
Cleveland, Elizabeth J	1241	4
Crider, R. H	37	1
Cummings, Doyle & Co	39	1
Davis, Enoch	278	1
Deitrich, Emily	1279	4
Delille, Jean	1279	4
Dent, Warren R	332	2
Deucatte, Odon	83	1
Donato, Auguste, heirs of	329	2
Doyle & Co	39	1
Duncan, Andrew J	16	1
Easterly, Isaac	1281	4

Subject.	Rept.	Vol.
ENLOE, BENJAMIN A.—Continued.		
From Committee on War Claims.		
Farley, John A	1230	4
French, Henry S	82	1
Garrett, W. F	1231	4
Gibson, William F	238	1
Glassie, D. W. and Minna H	85	1
Grivot, Maurice, heirs of	1427	5
Hamm, John M	1277	4
Hickman, M. T	1279	4
Holt, John M	1281	4
Hoover, James C	1281	4
Hopper, William, estate of	17	1
Howard, Samuel	13	1
Humboldt Female College	1281	4
Jackson, Tenn., First Methodist Church	15	1
Johnson, Hiram, and others	19	1
Kaylor, Daniel	1281	4
Keegan, Mary E	330	2
Kelly, Peter, estate of	334	2
Kergon, Thomas	335	2
Lawhead, William, administrator of John	327	2
Lawrence, L. J	1280	4
Lazare, Jean Baptiste, estate of	329	2
Lee, A. S	281	1
Leiper, John	1281	4
Lemell, E	1279	4
Lillard, B., estate of	1278	4
Lovelace, Emma C	241	1
Lovell, Louisa Q., and others	12	1
McGloughlin, Virginia	329	2
McGuffee, G. V., sr	332	2
McLemore, Sarah L., administratrix John C	333	2
McMinville, Cumberland Female College	18	1
McNamara, Stephen	1275	4
Martin, John T., heir of Joseph	1279	4
Meullion, Francis	329	2
Monahan, Mary E	327	2
Montgomery, Hugh, deceased	1279	4
Montgomery, Olivia F	332	2
Moody, B. F., & Co	279	2
Moore, Stativa, estate of	330	2
Moore, Stephen, administrator	17	1
Murphy, J. J	330	2
Nash, Joseph C	85	1
Neal, W. H., estate of	1280	4
Newell, Jane, estate of	1281	4
New Orleans, La., Odd Fellows' Hall Association	402	2
Union National Bank	86	1
Noland, William H	1280	4
Overton Hotel Company	331	2
Officers and crews of the Navy, moiety claims of	242	1
Odle, H. D	1798	7
Oakley, E. C., administrator	1280	4
Payne, James & Co	75	1
Powel, Sarah A	327	2
Randolph, J. P	609	2
Rather, James	1281	4
Restle, Leger	330	2
Roach, Benjamin, estate of	332	2
Sanders, John C., administrator	1278	4
Scott, Mrs. W. A	1280	4
Shirley, Mrs. A	84	1
	1657	7

Subject.	Rept.	Vol.
ENLOE, BENJAMIN A.—Continued.		
From Committee on War Claims.		
Singleton, H. C., estate of	1281	4
Smith, Alfred	240	1
Spaugh, Robert	265	1
Taylor, Jane L	74	1
Timberlake, S. R	1280	4
Tucker, T. M., estate of	327	2
Underwood, John C	1276	4
Vanguat, Louis	329	2
Walker, T. J	1280	4
Wasson, Richard F., legal representatives of	1278	4
Wesson, Randolph	81	1
Wolfson, Caroline L., widow of Jacob A	1279	4
Wilson, William D., legal representatives of	1656	7
Wyrick, James R	280	1
ENOCHS, WILLIAM H.		
From Committee on Public Buildings and Grounds.		
Public buildings, to erect at—		
Findlay, Ohio	1819	7
Gallipolis, Ohio	1114	4
Keokuk, Iowa, expense of paving streets around public buildings	2000	10
Reno, Nev	2127	10
FELLOWS, JOHN R.		
From Committee on the District of Columbia.		
Baker, Henry M	1653	7
Protestant Episcopal Cathedral foundation	1900	7
Sanborn, John Jay	1653	7
Settlement of outstanding claims	2129	10
FITHIAN, GEORGE W.		
From the Committee on the Eleventh Census.		
Investigation of the Census Bureau	1933	7
From Committee on Merchant Marine and Fisheries.		
American registry of ships built in foreign countries	966	4
FLICK, JAMES P.		
From Committee on Invalid Pensions.		
Arnold, Mrs. M. E	1472	5
Boone, Esther J	1239	4
Chapman, Samuel H	2006	10
De Russy, Helen A	2101	10
Dunham, John S	1157	4
Ford, John C	637	2
Griffith, Martha J	1238	4
Mohan, Elizabeth	641	2
Murray, B. Jennie	775	3
O'Brien, Michael	1153	4
Parker, Mary F	1304	5
Sharman, Marion Kern	954	4
Stanley, William Oscar	1741	7
Stockwell, John	953	4
Turner, Granville R	1916	7
Welty, Joseph H	2102	10
Willson, Elizabeth R	528	2
FORNEY, WILLIAM H.		
From Committee on Appropriations.		
Legislative, executive and judicial appropriation bill	1526	5
FOWLER, SAMUEL.		
From Committee on Merchant Marine and Fisheries.		
American shipbuilding	927 1634	3 5
Damages to planted oysters and oyster beds	2053	10
Foxhall, steamer, American register for	1327	5

Subject.	Rept.	Vol.
FOWLER, SAMUEL—Continued.		
From Committee on Merchant Marine and Fisheries.		
Protection of fish in the Potomac River	1953	7
Seabird, barge, American register for	1330	5
GEARY, THOMAS J.		
From Committee on Foreign Affairs.		
Chinese, exclusion of	407	2
La Abra Silver Mining Company	1143	4
From Committee on Interstate and Foreign Commerce.		
St. Lawrence River, bridge across	1635	5
Weil award	1142	4
From Committee on Interstate and Foreign Commerce.		
Bridge across Brazos River, Texas, Velesco Terminal Railway Company	615	2
Certain rivers, Alabama	1319	5
Columbia River	1038	4
Hudson River	909	3
Bridge across Illinois River	1175	4
Mississippi River at (or near) Davenport, Iowa	619	2
Mississippi River at Quincy	912	3
Missouri River at De Witt, Mo	689	3
Missouri River at St. Charles, Mo	910	3
Missouri River at Yankton, S. Dak	1176	4
Missouri River in South Dakota	911	3
Morris & Cummings Ship Canal, Arkansas County, Tex	1320	5
Osage River	618	2
Tennessee River in Alabama	1174	4
Tennessee River by St. Louis and Birmingham Railroad Company at Clifton	620	2
Tennessee River at or near Knoxville, Tenn	1037	4
Continental Bridge Company	617	2
Dams across the Kansas River	1438	5
License to use a pier at the mouth of the Chicago River	616	2
Oregon and Washington Bridge Company	816	3
San Francisco, Cal, revenue cutter for service at	384	2
GEISSENHAINER, JACOB A.		
From Committee on Naval Affairs.		
Baltimore (U. S. ship) medals for the officers and crew of	1001	4
Revenue-Cutter Service, transfer of	1677	7
Sale of navy-yard lands, Brooklyn	1482	5
GOODNIGHT, ISAAC H.		
From Committee on the Judiciary.		
Court of Claims	1540	5
Judicial district of North Dakota	983	4
McCormick, A. P., charges against	739	3
Metropolitan Railroad Company, District of Columbia	1847	7
South Dakota, term of United States court at	1846	7
Sugar trust	1286	4
GROUT, W. W.		
From Special Committee to Investigate Charges Against the Conduct of Members of the House.		
Report of investigation, minority	2132	10
HALL, OSEE MATSON.		
From Committee on Patents.		
Trade-marks and labels	1860	7
HALLOWELL, EDWIN.		
From Committee on the District of Columbia.		
License tax, produce dealers'	1254	4
HARE, DARIUS D.		
From Committee on the Public Lands.		
Dealy, David	1950	7
Gottschalk, C. V	1681	7
Younkin, W. Cary	1950	7

Subject.	Rept.	Vol.
HARRIES, WILLIAM H.		
From Committee on Invalid Pensions.		
Case, Maud	1532	5
Colvill, William	635	2
Fortier, Joseph	1806	7
Gray, Jennie	2067	10
Hall, John S	2103	10
Hamilton, Sophia J	1154	4
Heinze, Herman	1625	5
Leahey, Michael	636	2
McDermott, Martin	1561	5
Melvin, Fordyce R	2104	10
Newkirk, Isabella W	2106	10
Nonresidents, pensions to	1509	5
Northrup, Anson	2066	10
Palmatier, Eliza T	1879	7
Philbrook, Mrs. C. E	1448	5
Ries, Lillie	1084	4
Russell, Sarah A	2105	10
Smith, Stephen D	1086	4
Thornhill, French W	1562	5
Tuttle, Mary	2008	10
Ward, Jane A	298	1
HARVEY, DAVID A.		
From Committee on Indian Affairs.		
Allotment of lands among certain Indian tribes	2040	10
Cheyenne and Arapaho Indians, lands acquired from	478	2
HATCH, WILLIAM H.		
From Committee on Agriculture.		
Adulteration of food and drugs	914	3
Agricultural appropriation bill	1586	5
Commerce between the several States	913	3
Dealing in fictitious farm products	969	4
Deficiency appropriation	519	2
Effects of the tariff on agriculture	191 2114	1 10
Wheat, classification and grading of	1232	4
HAUGEN, NILS P.		
From the Committee on Elections.		
Noyes *vs.* Rockwell	968	4
HAYES, WALTER I.		
From Committee on the Post-Office and Post-Roads.		
Semiweekly and triweekly publications, postage on	1951	7
HEARD, JOHN T.		
From Committee on the District of Columbia.		
Anacostia and Potomac River Railroad Company	513	2
Eckington and Soldiers' Home Railway Company	190	1
Extension of North Capitol street to the Soldiers' Home	1421	5
Extension of Y street	1024	4
Glen Echo Railroad Company	1151	4
Houses in certain alleys, preventing building of	324	2
Maryland and Washington Railway Company	425	2
One-horse cars	1152	4
Rock Creek Railroad Company	759	3
Street railroad lines	1169	4
Street railroads, motive power of	803	3
Washington and Georgetown Railroad Company	1039	4
Washington and Great Falls Electric Railway Company	1627	5
From Committee on Patents.		
Protection of innocent users of patented articles	1826	7
Registration of trade-marks	410	2

Subject.	Rept.	Vol.
HEMPHILL, JOHN J.		
From Committee on the District of Columbia.		
Academy and Gallery of Arts	1895	7
Building and other associations, deposits in	758	3
Confirming title to certain lands	1004	4
Conveyances of real estate	867	3
Deadly weapons	1148	4
False swearing before trial boards of the police force and fire department	628	2
Foreign corporations	1147	4
Fraudulent transactions on the part of commission merchants	631	2
Fraud upon the water revenues	868	3
General incorporation law	7	1
Holders of drawback certificates	409	2
Inspector of plumbing	869	3
Institutions of learning	864	3
Keyser, Esther W	603	2
Land titles	629	2
Livery-stable keepers	871	3
Memorial association	1149	4
National Safe Deposit Company	175	1
National Union Insurance Company	760	3
Opening of alleys	865	3
Pay for condemned alley	630	2
Permanent system of highways	866	3
Platform in the alley in square 454	1896	7
Power to grant pardons, etc	174	1
Practice of dentistry	870	3
Unlawful appropriations of the use of property	632	2
HENDERSON, JOHN S.		
From Committee on Pensions.		
Barrow, David C	492	2
Boatright, Eliza M	490	2
Gatlin, Mary	491	2
Gardener, Frances P	1055	4
Howell, William C	1717	7
Waggoner, Sarah J	1639	5
From Committee on the Post-Office and Post-Roads.		
First and second class post-masters, expenses of recent convention	1006	4
Post-office appropriation bill	1135	4
United States mail, exchanges through	1314	5
HERBERT, HILARY A.		
From Committee on Naval Affairs.		
Appropriations for the Navy	621	2
Assistant to chief of Bureau of Navigation	1989	10
Enlisted men in Navy	1504	5
Naval appropriation bill	1453	5
Pensacola Terminal Company	1503	5
HOLMAN, WILLIAM S.		
From Committee on Appropriations.		
Sundry civil appropriation bill	407	2
Temporary provision for expenditures of the Government	847	3
HOOKER, CHARLES E.	2119	10
From Committee on Foreign Affairs.		
Chinese exclusion, minority	407	2
International arbitration congress	1987	10
Matchett, William B	1859	7
HOOKER, WARREN B.		
From Committee on Indian Affairs.		
Indian beneficiaries under treaty concluded at Buffalo Creek	1858	7

Subject.	Rept.	Vol.
HOPKINS, ALBERT C.		
From Committee on Indian Affairs.		
Travis, M. M	348	2
HOUK, GEORGE W.		
From Committee on the Columbian Exposition.		
Loan of certain articles	1511	5
HOUK, JOHN C.		
From Committee on War Claims.		
Barnes, Benjamin S	1523	5
Bates, John A	972	4
Battelle & Evans	290	1
Bazell, James B	312	1
Bethel Springs, Texas—		
Trustees of Presbyterian Church of	311	1
Bliss, Francis A	239	1
Bradley, Horace L	320	1
Brown, John T	971	4
Caldwell, C. D	1467	5
Carmack, Joseph W	228	1
Clift, William	723	3
Denny, George, sr	522	2
Farnighy, Louis O	1499	5
Forgey, James	1386	5
Giddings, Napoleon B	227	1
Gillett, Theodore J	1386	5
Green, Edman	1538	5
Hackney, B. R	321	1
Harris, Thomas D., heirs of	103	1
Hartman, Jesse P	315	1
Henry, William M	319	1
Higgins, Thomas L	275	1
Hoffman, R. H	322	1
Jocknick, Gustavus F	612	2
Johnson, A. S., administrator of Thomas	318	1
Jones, John H., heirs of	103	1
Jones, John H., legal representatives of	722	3
Kouns, John, surviving partner of George L	1386	5
Livers, Fanny S	1500	5
McLaughlin, Ammon	1386	5
McLaughlin, Nelson	317	1
Magill, Lydia A	323	2
Marklein, Charles	470	2
Neet, John S., jr	225	1
O'Brien, William D	314	1
Patton, S. K. H	313	1
Phillips, James B	1466	5
Quarles, W. A	1009	4
Saunders, Edwin E., estate of	1386	5
Scoville, W. T	1386	5
Shadel, Henry A	1386	5
Smith, Alfred	240	2
Smith, Dudley D., heirs of	1386	5
Taylor, William E., and others	936	3
Turner, George	316	1
Walker, Dabney, widow of	887	3
Wilson, William D	102	1
Worcester, Alfred J	226	1
Youngblood, Sarah E	1338	5
HULL, JOHN A. T.		
From Committee on Military Affairs.		
Barr, George W	574	2
Blake, C. M	267	1

Subject.	Rept.	Vol.
HULL, JOHN A. T.—Continued.		
From Committee on Military Affairs.		
Blood, Charles S	646	2
Brown, William H	540	2
Carpenter, Thomas H	266	1
	510	2
Cordray, David P	791	3
Crangle, Henry	1937	7
Dana, Napoleon J. T	454	2
	1441	5
Davis, F. W	645	2
Fletcher, William	1244	4
Gillies, Charles F	1329	5
Hadley, E. D	1247	4
Holmes, Prentice	960	4
Johnson, Gilman L	537	2
Knowlton, William C	1308	5
Lofland, H	1246	4
Marks, George A	2036	10
Skinner, John H	538	2
Spencer, William C	299	1
	1665	7
Wedgwood, William W	121	1
Wells, Eugene	856	3
Welsh, William	354	2
Welty, Charles W. E	539	2
Werner, Charles J	1938	7
JOHNSON, TOM L.		
From Committee on the District of Columbia.		
Assessment of taxes	1679	7
Duplicate tax ledgers	516	2
Fine for making assessments outside of Washington and Georgetown	518	2
Tax sales and taxes	517	2
From Committee to Investigate Tax Assessments in the District of Columbia.		
Assessment of taxes	1469	5
JOLLEY, JOHN L.		
From Committee on Invalid Pensions.		
Amendment to pension laws	1292	4
Kimball, Jonathan	548	2
Matlock, Thomas J	2056	10
Quigg, Caroline E	184	1
Risk, Abasha	1887	7
Root, Leroy	2100	10
Telford, Mary Jewett	428	2
Vaughn, Jennie	183	1
JONES, WILLIAM A.		
From Committee on Pensions.		
Sisson, Henry	952	4
JOSEPH, ANTONIO.		
From Committee on Military Affairs.		
Ceran St. Vrain's Company New Mexico Mounted Volunteers	1435	5
From Committee on the Territories.		
New Mexico, admission of	736	3
New Mexico capitol building	1575	5
KEM, OMER M.		
From Committee on Indian Affairs.		
Certain lands of the Confederated Oto and Missouri tribes of Indians in Nebraska and Kansas	1793	7
Southern Ute Indians, Colorado	1205	4

Subject.	Rept.	Vol.
KENDALL, JOSEPH M.		
From Committee on Claims.		
Sawtelle, Charles G	1606	5
Taylor, A. K., administrator of George W	1748	7
Woodson, R. B	1696	7
KRIBBS, GEORGE F.		
From Committee on Invalid Pensions.		
Barrett, Walter	1622	5
Clark, Charity W	638	2
Deafness, pensions in certain cases	1920	7
Hagan, Sarah A	958	4
Hatch, Ellen DeWitt	2009	10
Holstein, Anna M	1559	5
Hutchinson, Mary Isabella	456	2
Hyatt, Margaret	1560	5
Kelley, Sarah A	2099	10
McCammon, James	73	1
Moorhead, Mary A	1306	5
Read, Edith S	1558	5
	1886	7
Smith, Eliza	546	2
Snavely, Charlotte	547	2
Starr, Eliza K	1242	4
LANE, EDWARD.		
From Committee on the Militia.		
Additional artillery for National Guard	1059	4
Nebraska, ordnance stores and supplies for	2120	10
LANHAM, SAMUEL W. T.		
From Committee on Irrigation of Arid Lands in the United States.		
Arid lands of the United States	569	2
LAPHAM, OSCAR.		
From Committee on Military Affairs.		
Loan of flags, etc., during Grand Army encampment	499	2
From Committee on Patents.		
Winans, William L	1605	5
LAYTON, FERNANDO C.		
From Committee on the Judiciary.		
Detroit, Mich., releasing claim and interest to a lot in	163	1
District of Montana, southern division of	1816	7
Jurisdiction of Court of Claims in certain cases, etc	366	2
LESTER, RUFUS E.		
From Committee on Rivers and Harbors.		
Improvement of outer bar, Brunswick, Ga	1869	7
Martello tower, Tybee Island, Ga	916	3
LEWIS, CLARKE.		
From Committee on Public Buildings and Grounds.		
Public buildings, to be erected at—		
Abingdon, Va	1141	4
Bedford City, Va	1118	4
Brunswick, Ga	1105	4
Finlay, Ohio	1819	7
Louisville, Ky., sale of public building	1106	4
Mount Sterling, Ky	1822	7
Natchez, Miss	1168	4
Newport News, Va	1103	4
St. Paul, Minn	1252	4
LIND, JOHN.		
From the Committee on the Eleventh Census.		
Chamberlain, Charles B	686	2
Wheaton, William R	685	2
From Committee on Interstate and Foreign Commerce.		
Bridge—railroad and wagon—across the Mississippi River at South St. Paul, Minn	81	

Subject.	Rept.	Vol.
LIND, JOHN—Continued.		
From Committee on Interstate and Foreign Commerce.		
Coasting trade on the Great Lakes	688	3
Contract of common carriers	1988	10
Dutiable goods, immediate transportation of, Duluth	1974	10
Waterway from head of Lake Superior to the sea	185	1
From the Select Committee to Investigate the Methods and Management and Practices of the Bureau of Pensions.		
Report of investigation, minority	1868	8 9
LITTLE, JOSEPH J.		
From Committee on the Columbian Exposition.		
Columbian Exposition, views of the minority	1660	7
Exhibition of certain books, papers, etc., from the Library of Congress	570	2
Invitations to presidents of American Republics and governors of American colonies to attend	1515	5
King and Queen of Spain, invitation to	1514	5
LODGE, HENRY CABOT.		
From Committee on Naval Affairs.		
Mackintosh, James C	1535	5
Morrison, James	1535	5
Naval Observatory	926	3
LONG, JOHN B.		
From Committee on Agriculture.		
Silk culture in the United States	1360	5
LOUD, EUGENE F.		
From Committee on Claims.		
Ames & Detrick	906	3
Billings, J. M	1197	4
Bryan, William J	1198	4
Burrows, Frank J	677	2
Chamberlain, Charles H	686	2
Grace, James	1194	4
Kramer, Matilda S., and Mary W	1163	4
Mathews, F	1195	4
Parker, D. S	1195	4
Plant, George H	511	2
Potomac Steamboat Company	512	2
Ward, W. H	1196 1332	4 5
Wheaton, William R	686	2
From Committee on Post-Offices and Post-Roads.		
Ocean mail service, minority	699	3
LYNCH, THOMAS.		
From Committee on Indian Affairs.		
Colville Indian Reservation	1525	5
Jones, Huff	1659	7
Marinetti and Western Railroad Company	347 692	2 3
Miami Indians, reimbursement of	1380	5
Mission Indian commission	1633	5
Right of way through the Umatilla Reservation	1963	10
Sale of timber on certain lands in Wisconsin	1077	4
Stockbridge and Munsee Indians	558	2
MCALEER, WILLIAM.		
From Committee on Naval Affairs.		
Badger, Oscar C	1483	5
Broome, John L	1529 1855	5 7
Engineer Corps	1491	5
Hamersly, Lewis R	1334	5

Subject.	Rept.	Vol.
McALEER, WILLIAM—Continued.		
From Committee on Naval Affairs.		
Reduction in the Engineer Corps of the Navy	440	2
Sartori, Louis C	2092	10
McCLELLAN, CHARLES A. O.		
From Committee on Expenditures in the Navy Department.		
Leaves of absence to certain per diem employés of the Government	1036	4
McCREARY, JAMES B.		
From Committee on Foreign Affairs.		
Pan-American Medical Congress	1791	7
Russian Hebrews	1177	4
Swift, Mary A	1061	4
McDONALD, EDWARD F.		
From Committee on Military Affairs.		
O'Reilly, Thomas P	643	2
McGANN, LAWRENCE E.		
From Committee on Claims.		
McMurdie, Maria	2038	10
Sweet, Chester B	787	3
McKAIG, WILLIAM M.		
From Committee on Printing.		
Amend and supplement the election laws of the United States	1865	7
Bankrupt bill	2075	10
Bureau of American Republics, to print bulletin of	2146	10
Climatic features of the two Dakotas	2147	10
Coast and Geodetic Survey, report of superintendent of	1342	5
Commissioner of Education, to print report for 1889–'90	2136	10
Commissioner of Labor, seventh annual report of	2137	10
Fish and Fisheries, report of Commissioner of	1344	5
European commerce, to print report on	2134	10
European immigration, to print report on	2133	10
Immigration and Naturalization, to print report of House Committee on	2139	10
Merchant vessels of United States, to print list of	2140	10
Lee, W. H. F., eulogies upon, delivered in Congress	426	2
Smithsonian Institution and National Museum, to print report for year ending June 30, 1891	2141	10
Special committee on investigation of the Pension Office, report of	2145	
Spinola, Francis B. (eulogies on)	2095	10
Statistical abstract for year 1891	2094	10
Subcommittee on Trusts, to print report on	2138	10
Survey made pursuant to act of March 2, 1891	2135	10
Wilson, E. K., eulogies on	2093	10
Yorktown, Va., monument at	1343	5
From Committee on Public Buildings and Grounds.		
Cumberland, Md	1096	4
Henderson, Ky	1976	10
Logansport, Ind	1823	7
McKENNA, JOSEPH E.		
From Committee on Indian Affairs.		
Klamath River reservation	161	1
Mission Indian Commission	691	3
McKINNEY, LUTHER F.		
From Committee on Invalid Pensions.		
Avery, Frank L	1917	7
Bentley, Watson S	2061	10
Brennan, Bridget	1875	7
Chamberlain, John C	1517	5
Christien, Margaret	301	1
Corser, David S	1243	4
Deafness, increased rate of pension for certain cases	1263	4

Subject.	Rept.	Vol.
McKINNEY, LUTHER F.—Continued.		
From Committee on Invalid Pensions.		
Emerson, Earnest C	1444	5
Fays, Eliza	420	2
Geer, Martha A	1737	7
Hamilton, Mrs. C. R. ("Sister Angela")	1391	5
Hastings, Rosanna	1736	7
Ingraham, Ira	1624	5
Intermediate rate of pension	1264	4
between $30 and $72	515	2
Maguire, Ellen	63	1
Martin, Mary	2058	10
Mitchell, Kate P	64	1
Nason, Ralph Waldo	1534	5
Osgood, James H	979	4
Roberts, Julia S	2060	10
Salisbury, Susan T	1155	4
Seaver, Nettie N	2057	10
Smith, Stephen D	1086	4
Vosburg, Harriet T	2059	10
Willey, James H	640	2
Wise, Mary A	1564	5
McMILLIN, BENTON.		
From Committee on Rules.		
Investigation of Keystone, Spring Garden, and Maverick National Banks	230	1
From Committee on Ways and Means.		
Amendment to section 3355, Revised Statutes	2046	10
System of subtreasuries	2143	10
Wool duties	501	2
McREA, THOMAS C.		
From Committee on Public Lands.		
Arkansas, bonds of, held by the United States	693	3
Eastport, Me., abandoned military reservations	1230	4
Forfeiture of certain lands	1426	5
Hot Springs, Ark	988	4
lot 1, block 72	1002	4
trustees of Trinity Church	893	3
Keady, William P	1842	7
North and South Dakota, settlers upon certain lands in	1870	7
Protection of settlers	1485	5
Purchasers of certain timber and stone lands	1943	7
Sale of stone and timber lands, etc	482	2
Settlers on	483	2
Swamp-land grants	296	1
	1571	5
Yellowstone National Park	1956	10
MALLORY, STEPHEN R.		
From Committee on Interstate and Foreign Commerce.		
Dutiable goods, immediate transportation of	1218	4
	1359	5
Punta Gorda, Fla., subport of entry at	1210	4
Tampa Bay, Fla., aids to navigation	572	2
MANSUR, CHARLES H.		
From Committee on Claims.		
Abbott, D. P	61	1
Armstrong, Edward S	706	3
Barnett, Martin A., widow and heirs of	719	3
Clarkson, James	2039	10
Cogswell & Co	2013	10
De Leon, Agnes and Maria	2015	10
French spoliation claims	1901	7

Subject.	Rept.	Vol.
MANSUR, CHARLES H.—Continued.		
From Committee on Claims.		
Griffith, Maurice G	834	3
Gumberts, Henry, sr	1700	7
Ham, James S., heirs of	701	3
	883	3
Holmes, & Leathers	1701	7
Jones, Aquilla	14	1
Keeves, A. S	61	1
Kennedy, John W	838	3
Kinnerly, Charles M	702	3
Logan, John S., assignee	60	1
McCabe, James	1699	7
McDougall, George, legal representatives of	839	3
Marcy, Daniel	1702	7
Monroe, Thomas C., estate of	833	3
Moss, William, estate of	703	3
Murray, George W	718	3
Myres, B. F	835	3
Newton, Mass., First National Bank	2014	10
Nickles, John	705	3
Price, Rodman M	1693	7
Root, Elihu	700	3
Russell (brig)	1922	7
Schillinger patents, relief of owners of	24	1
Selma and Meridian Railroad Company	23	1
Shipley, E. R	25	1
Sibley, Henry H. and Charlotte K., heirs of	21	1
Skrainka Construction Company	58	1
Smith, T. E	61	1
St. Louis and Mississippi Transportation Company	704	3
Stolle, H. C., and others	837	3
Tradewell, F. A	707	3
Vose, John W., heirs of	884	3
Western Paving and Supply Company	22	1
Winn, D. M	59	1
Witherby & Gaffney	1703	7
Wood, William P	836	3
Young, William F	62	1
From Committee on Territories.		
Indian Territory, mines and mining in	1012	1
Oklahoma, district courts of	944	4
MARTIN, AUGUSTUS N.		
From Committee on Invalid Pensions.		
Allen, Katie	1565	5
Amendment to pension law	500	2
Badger, Louis	1616	5
Beerbower, Martha A	774	3
Bodley, Julia	639	2
Bollman, Lydia	1874	7
Brackett, Margaret	1735	7
Bradford, Delzell R	1872	7
Brewer, William H	1237	4
Brinneman, Cynthia	533	2
Campbell, Samuel M	1516	5
Carpenter, Elizabeth	773	3
Cassell, Ida	955	4
Cooper, Thomas	956	4
Fleenor, John T	1909	7
Flynn, Margaret A	2081	10
Greene, Annie M	2082	10
Hazzard, George W	1566	5
Incapacitated soldiers and sailors, pension to	1260	4

Subject.	Rept.	Vol.
MARTIN, AUGUSTUS N.—Continued.		
From Committee on Invalid Pensions.		
Johnson, Wells	1912	7
Kelly, Mary Clare	1318	5
Larnard, Helen	2116	10
Law, Mary E	1615	5
McChesney, Mary D	2071	10
Monroe, Andrew J	2080	10
Neal, William M	2115	10
New, Adelia	1445	5
O'Neal, Jacob	1873	7
Pacheco, Juan	1159	4
Pensioners in soldiers' homes	1840	7
Reese, Charles	2070	10
Rice, Margaret M	1158	4
Roberts, John M	1911	7
Shea, Honora	1928	7
	2066	10
Smith, William G	2072	10
Smitherman, Edward	1807	7
Sutherland, Obe	449	2
Tarkington, William C	1614	5
Taylor, William H	2010	10
Test, Bertha	957	4
Torrence, Anna	1617	5
Treux, David L	416	2
Union soldiers and sailors, widows of	2068	10
Venard, Mary	1385	5
Wade, Jennie Y	448	2
Walters, Joel A	1908	7
Wells, ———	1912	7
White, Mary E	1566	5
Williams, Florence Esther	1910	7
MEREDITH, ELISHA E.		
From Committee on the District of Columbia.		
Care of dependent children	945	4
Norfolk and Western Railroad Company	1628	5
Payment of a certificate of indebtedness	633	2
MEYER, ADOLPH.		
From Committee on Naval Affairs.		
Promotions in the Marine Corps	1502	5
Retired list for enlisted men	2051	10
MILLIKEN, SETH L.		
From Committee on Public Buildings and Grounds.		
Gardiner, Maine	1100	4
Mammoth Hot Springs, post-office building at	1570	5
MILLS, ROGER Q.		
From Committee on Interstate and Foreign Commerce.		
Burlington, Iowa, bridge at	234	1
MITCHELL, JOHN L.		
From Committee on Claims.		
Frémont, Jessie Benton	1903	7
From Committee on Military Affairs.		
Champlain and St. Lawrence Railroad Company	477	2
East Baton Rouge, La., St. Joseph's Church	1745	7
Fort McClary Military Reservation	1439	5
Hotel on Government reservation, Fort Monroe, Va	1746	7
Ilnaco Railway and Navigation Company	1295	4
Land for cemetery, Sidney, Nebr	1261	4
Lease of certain public property	1817	7
Master of the sword, U. S. Military Academy	1414	5
National home for disabled volunteer soldiers	250	1

Subject.	Rept.	Vol.
MITCHELL, JOHN L.—Continued.		
From Committee on Military Affairs.		
New Mexico or Southern Colorado, national sanitarium in	1463	5
Oklahoma City, military reservation at	1020	4
Road from Little Rock, Ark., to the national cemetery adjacent	1021	4
Santa Fe, Prescott and Phœnix Railway Company	1591	5
MONTGOMERY, ALEXANDER B.		
From Committee on Ways and Means.		
Dutiable merchandise, transportation of, Sandusky, Ohio	173	1
MOSES, CHARLES L.		
From Committee on Accounts.		
Assistant journal clerk	1223	4
From Committee on Pensions.		
Indian wars of 1832 to 1842, inclusive, survivors of	818	3
Smith, Meridy	822	3
MUTCHLER, WILLIAM.		
From Committee on Appropriations.		
Pension appropriation bill	525	2
NEWBERRY, WALTER C.		
From Committee on Military Affairs.		
Fisher, Neil	708	3
Fort Wayne, Mich., military post	1642	7
Gettysburg Battlefield Memorial Association	1643	7
McNeil, Quincy	644	2
From Committee on Public Buildings and Grounds.		
Public buildings, to erect, at—		
Ann Arbor, Mich	1110	4
Boise, Idaho	1111	4
Cheyenne, Wyo	1119	4
Chicago, Ill	567	2
Post-office	566	2
United States Marine Hospital	855	3
Decatur, Ill	1528	5
East St. Louis, Ill	1946	7
Elgin, Ill	1505	5
Fond Du Lac, Wis	844	3
Helena, Mont	1112	4
Joliet, Ill	1107	4
Oakland, Cal	843	3
Salem, Oregon	845	3
Spokane, Wash	1109	4
NORTON, RICHARD H.		
From Committee on Pensions.		
Ellis, Agnes P	897	3
Hamilton, Aaron V	493	2
Luke, Elizabeth S	1718	7
Meredith, Frederick	494	2
Tradewell, F. A	707	3
OATES, WILLIAM C.		
From Committee on the Judiciary.		
Blackmailing	9	1
Boarman, Aleck	1536	5
Disqualifying justices, judges, etc., in certain cases	406	2
District court, eastern district of South Carolina	1788	7
Homestead, Pa., to investigate labor troubles	1803	7
partial report on	2142	10
Judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians, respectively	1437	5
Judgment liens	170	1
Marriage and divorce	1290	4
	1291	4

Subject.	Rept.	Vol.
OATES, WILLIAM C.—Continued.		
From Committee on the Judiciary.		
Naturalization laws, amendment of	697	3
Pinkerton agency, investigation of	1376	5
Revised Statutes, sections 3480 and 4716	614	2
Springfield, Mass., sale of certain lands	1789	7
Uniform system of bankruptcy	1674	7
O'FERRALL, CHARLES T.		
From Committee on Elections.		
Noyes *vs.* Rockwell	968	4
From Committee on the Library.		
Greene, Nathanael, monument to	472	2
Jefferson, Thomas, manuscript papers and correspondence of	1231	4
Morgan, Daniel, monument to	471	2
O'NEILL, JOHN J.		
From Committee on Expenditures in the Treasury Department.		
Persons employed on public works, protection of	2124	10
From Committee on Interstate and Foreign Commerce.		
Bridge across the Alabama River by Montgomery, Tuscaloosa and Memphis Railroad	1683	7
Black River, Ark	1684	7
Cahaba River in Tuscaloosa County, Ala	1686	7
Cane River, La., by the Natchitoches Cane River Bridge Company	1850	7
Columbia River, Wash	1852	7
Kootenai River at Fry, Idaho	1940	7
Missouri River at or near Omaha, Nebr	1688	7
Mobile River, by Chicago, Mobile and Gulf Ports Railroad Company	1685	7
Ohio River between Cincinnati, Ohio, and Covington, Ky	2079	10
Red River, La., by Rapides Bridge Company	1851	7
Red River of the North	1687	7
Tallapoosa and Coosa rivers	1939	7
Tennessee River at or near Deposit, Ala	1663	7
Warrior River	1682	7
Gay Head, Mass., life-saving station	1043	4
Interchangeable five thousand mile tickets	1694	7
Interstate Commerce and labor laws	1960	11
Life-Saving Service	508	2
Life-saving station at or near East Marion, Long Island, N. Y.	1689	7
Railway employés and the traveling public, safety of	1678	7
Telephone line on the coast of Virginia	1044	4
OTIS, JOHN G.		
From Committee on Private Land Claims.		
Alleged conspiracy in connection with the Maxwell land grant	1824	7
New Mexico and Colorado, land titles in	1253	4
OUTHWAITE, JOSEPH H.		
From Committee on Military Affairs.		
Administration of justice in Army	817	3
Amendment to seventeenth article of war	1356	5
American Revolution, military records of	1357	5
Appropriations for the Army	549	2
Board of Managers of the National Home for Disabled Volunteer Soldiers	505 1178	2 4
Certificate of merit for unattached enlisted men, etc	542	2
Detail of certain Army officers	236	1
Detail of certain officers for special duty in connection with the World's Columbian Exposition	1470	5
Fort Brown military reservation	2050	10
Grade of certain medical officers of the Army	894	3
Helena, Mont., military post at	623	2
Hospital corps of Army, pay of privates of	172	1

Subject.	Rept.	Vol.
OUTHWAITE, JOSEPH H.—Continued.		
From Committee on Military Affairs.		
Leonard Avenue Street Railway Company	1698	7
Lineal promotion of Army officers	171	1
McClure, Daniel	99	1
Promotion in the Army	1818	7
Promotion of enlisted men of the Army	1358	5
Records of volunteer armies (views of minority)	895	3
Sherman, William T., statue of	1459	5
PAGE, CHARLES H.		
From Committee on Claims.		
Arctic, Hawaiian bark, owners and crews of	918	3
Brooklyn, certain port wardens	1779	7
Brown, John J	1227	4
Calahan, Andrew J	795	3
Capron, Horace, estate of	664	2
Culver, Catherine P., heirs of	889	3
Davis, Jacob R., heirs of	1549	5
Doyle, P. H	1226	4
Ferris, John W	1589	5
Gallatin, United States revenue cutter, officers and crew of	1479	5
Hall, Dwight	715	3
	1492	5
Hogan, Joseph C	1550	5
McKenzie, Lewis	665	2
Maynadier, William M	668	2
	1640	5
New Haven, Conn., National Bank	667	2
	1493	5
New York and Baltimore, night inspectors at ports of	2027	10
New York, certain port wardens	1779	7
Payne, John Howard, heirs of	355	2
	1478	5
Roberts, George F	1551	5
Rowe, Philip C., heirs of	1548	5
Russell, Charles T	663	2
Sadler, James Garret	1066	4
Scott, John	2028	10
Shimmins, William M	1226	4
Sinnott, P. B	685	2
Tice, Isaac P., estate of	919	3
Toledo, Ohio, Genron Iron Wheel Company	356	2
Van Vleck, B. J	790	3
Walter, Amanda G	1558	5
Wilson, H. B., administrator	1228	4
Wilson, William F	666	2
From Committee on Manufactures.		
Sweating system of tenement-house labor	164	1
PAGE, HENRY.		
From Committee on Naval Affairs.		
Dull, John C	1473	5
Glass, Henry	1250	4
Jouett, James E	1641	5
Kelly, Denis	1477	5
Rose, John G	1991	10
Terrell, D. J	1420	5
Yorke, Louis A	1990	10
PARRETT, WILLIAM F.		
From Committee on Pensions.		
Allen, George R	247	1
Alvis, Henry J	1354	5
Carlton, Ambrose B	1892	7
Enlow, Thomas	977	4

Subject.	Rept.	Vol.
PARRETT, WILLIAM F.—Continued.		
From Committee on Pensions.		
Israel, Pleasant R	1355	5
Marshall, George	898	3
Reed, James, jr	1353	5
PATTERSON, JOSIAH.		
From Committee on Interstate and Foreign Commerce.		
Regulation of steam vessels	1897 1972	7 10
Revenue cutters for Great Lakes	820	3
Revenue cutters for Pacific coast	819	3
PATTISON, JOHN M.		
From Committee on the Post-Office and Post-Roads.		
Free delivery of mail in rural districts	1352	5
PATTON, DAVID H.		
From Committee on Military Affairs.		
Alden, Warren Alonzo	1089	4
Biddle, Jerome H	105	1
Certain volunteer soldiers	735	3
Chesbrough, Nicholas G	610	2
Civil war, soldiers of	1894	7
Courchaine, Daniel B	363	2
Curridon, James	761	3
Daniel, Calvin	1028	4
Eldridge, Daniel	1164	4
Frost, John G	753	3
Gillingwaters, J. E	573	2
Holloway, William H	1904	7
Hyland, Patrick	523	2
Jennings, James C	1906	7
Johnson, Joseph	1265	4
Keach, Albert	357	2
McCalmant, Elisha	1027	4
Ottstotts, Frederick	599	2
Patton, S. K. N	180	1
Pringle, William N	1810	7
Records of volunteer armies	895	3
Robinson, John W	1134	4
Soldiers who were mustered as officers after March 3, 1865, pay of	1015	4
Steward, Charles B	1518	5
Taylor, Jesse C	1026	4
Thomas, Madison A	1905	7
Tuttle, Montgomery M	1395	5
Utter, Joseph G	1266	4
Van Fossen, John	178	1
Warren, Alexander	1394	5
War with Mexico, soldiers of	1894	7
Wickham, Francis W	1455	5
Wilson, Ezra A	179	1
Wise, Curtis P	181	1
PEARSON, ALBERT J.		
From Committee on Accounts.		
Annual clerk for Committee on Accounts	752	3
From Committee on Invalid Pensions.		
Barber, Alonzo D	860	3
Burns, Anna Morgan	1138	4
Day, Ellen	1390	5
Deyo, Jonas	1885	7
Hammond, Robert	1380	5
Hewett, Ellen	939	3
Hineline, Sophia Bruner	536	2
McCabe, Elizabeth	1241	4

Subject.	Rept.	Vol.
PEARSON, ALBERT J.—Continued.		
From Committee on Invalid Pensions.		
Prather, Thomas T	1156	4
Revision of the pension laws	1853	7
Scott, John	859	3
Sharp, Louisa B	1557	5
Thompson, Thomas	840	3
Trickey, Mary E	678	2
Tucker, Mary	1878	7
Wilson, Frances B	1447	5
PEEL, SAMUEL W.		
From Committee on Indian Affairs.		
Appropriation bill	325	2
	1052	4
Cherokee Outlet	1631	5
Choctaw and Chickasaw Indians	1661	7
Citizenship of Indians	1130	4
Delaware Indians, payments to	122	1
Denison and Northern Railway Company	1060	4
Hutchison and Southern Railroad Company, right of way to	3	1
Kickapoo Indians, Oklahoma Territory	1662	7
West, Bluford, estate of	182	1
PENDLETON, JOHN O.		
From Committee on Public Lands.		
Blankenship, John R	788	3
Talkington, Isaac W	481	2
	1655	7
PICKLER, JOHN A.		
From Committee on Public Lands.		
Timber-culture laws	915	3
	1495	7
Yellowstone National Park, views of minority	1956	10
From Committee on War Claims.		
Allsworth, Edward	1186	4
Atkinson, Mary Ellen, administratrix of Richard	285	1
Avery, John, estate of	1724	7
Birchett, William G., estate of	1724	7
Burke, Hannah	1724	7
Campbell, George J	1072	4
Chapin, Gurder	1188	4
Cooper, Hudson, legal representatives of	776	3
Cranston, Sarah M	1328	5
Doyle, William	776	3
Driscoll, John J	1184	4
Dulin, A. F., estate of	1724	7
Edwards, Sarah Upton	1071	4
Eppes, John W	564	2
Fitzgerald, Michael J	1126	4
Gomez, Edwin	398	2
Goodloe, Mariam, and others	1481	5
Henderson, Robert	1183	4
Hobbs, Thomas M	1724	7
Large, William	395	2
Lee, Lucy Ann and Allen G	287	7
Lowe, William W	1127	4
McCann, Michael	1191	4
Maddox, Margaret, Virginia	970	4
Matheny, Thomas M	396	2
Moonlight, Thomas	838	3
Mullins, Martin	1189	4
Murdock, Emily	1371	5
Nevada, claims of certain persons in	117	1
Poland, Alexander, estate of	394	2

Subject.	Rept.	Vol.
PICKLER, JOHN A.—Continued.		
From Committee on War Claims.		
Point Pleasant (W. Va.) Methodist Church	827	3
Pritchard, Catharine M	399	2
Reed, Thomas B	1192	4
Regan, James	288	1
Richards, Amelia A. H	400	2
Saunders, Henry S	300	1
Short, Hatcher and Hiram	563	2
Smyser, Jacob H	1185	4
Stewart, James	1187	4
Taylor, Jane, estate of	1724	7
Taylor, Stewart	1190	4
Travilla, Robert	286	1
Urquhart, C. Augusta	397	2
Young, Thomas L	684	3
POST, PHILIP S.		
From Committee on the District of Columbia.		
Overhead electric wires	1629	5
POWERS, H. HENRY		
From Committee on the Judiciary.		
District of Kentucky, terms of United States courts	1971	10
Presidential succession	160	1
Taking depositions in criminal cases	446	2
PRICE, ANDREW		
From Committee on Interstate and Foreign Commerce.		
Des Moines, Iowa, port of delivery at	852	3
English Bayou and Calcasieu River, bridge across	942	3
Marquette, Mich	853	3
Superior and Ashland, Wis., subports of entry	999	4
RAINES, JOHN		
From Committee on Reform in the Civil Service.		
Appointments in the public service	1925	7
RANDALL, CHARLES S.		
From Committee on Interstate and Foreign Commerce.		
Butler Flats, New Bedford, Mass., light and fog-signal station near	187	1
Gay Head, Mass., life-saving station at	188	1
RAY, GEORGE W.		
From Committee on the Judiciary.		
Northern judicial district of Georgia	444	2
Private Land Claims, Court of	1173	4
Reserve fund	1780	7
Revised Statutes, amending section 828	445	2
Revised Statutes, Supplement to	1867	7
Suits against the Government of the United States	1706	7
Supreme court of Utah, justices of	232	1
Terms of United States courts, northern district of New York	1013	4
RAYNER, ISADOR.		
From Committee on Foreign Affairs.		
Amending section 19, act to regulate commerce	1457	5
Columbian exposition at Madrid	923	3
Jews in Russia	1177	4
From Committee on Interstate and Foreign Commerce.		
Special rates to commercial travelers by railroad companies	186	1
REED, THOMAS B.		
From Committee on Ways and Means.		
Silver lead ores (minority)	1372	5
REILLY, JAMES B.		
From Committee on Columbian Exposition.		
Certain articles from Smithsonian Institution	1512	5
Certain models, drawings, etc	1513	5

Subject.	Rept.	Vol.
REYBURN, JOHN E.		
From Committee on Claims.		
Blum, Emile M., and J. M. Seymour	1609	5
Chester, Walter B., schooner, owners of	1610	5
Redfern, Joseph and Eliza	1611	5
White, F. F	1608	5
RICHARDSON, JAMES D.		
From Committee on District of Columbia.		
Petworth, Brightwood and Takoma Railway Company	1289	4
Resubdivision of square 673, Washington	1626	5
Suburban Railway Company	326	2
From Committee on Printing.		
Addresses delivered on presentation of portraits of Speakers Grow and Randall	229	1
Annals of Congress, etc	365	2
Bureau of Animal Industry, eighth and ninth annual reports of	1339	5
Bureau of Ethnology, eleventh and twelfth annual reports of	1338	5
Congressional Directory, maps of Congressional districts in	246	1
Diseases of the horse, special report on	726	3
European immigration, report of	1347	5
Gamble, John R., eulogies upon	1128	4
Geographic Names, report of Board on	474	2
Government Printing Office, site for	687	3
Houk, Leonidas C., eulogies on	364	2
International Geological Congress, proceedings of	1341	5
List of documents	1340	5
Official map of the United States for 1892	1404	5
On the question of expunging from the record a portion of the remarks of Joseph H. Walker	799	3
Precious metals in the United States	1208	4
President's annual message	308	7
President's message respecting relations with Chile, etc	307	1
Public documents, distribution of	1092	4
Public printing and binding	1092	4
Report of sanitary engineers	1348	5
Rules and Practice of the House of Representatives, Manual and Digest of	762	3
Senate report 395, Forty-third Congress	800	3
United States Civil Service Commission, eighth report of	1337	5
Wages of certain employés of the Government Printing Office	1654	7
ROBINSON, JOHN B.		
From Committee on Invalid Pensions.		
Heazlitt, John C	2007	10
Phipps, Ellis P	740	3
ROCKWELL, HOSEA H.		
From Committee on Indian Affairs.		
Indian Territory, admission of	1927	7
From Committee on Military Affairs.		
Amendment of the record of certain honorably discharged soldiers	733	3
Anderson, Allen L	1082	4
Bounties to veteran volunteers	732	3
Boyd, Augustus	1809	7
Cohn, Henry S	907	3
Cramer, Delos	452	2
Equalization of bounties	729	3
Field, Francis A	1814	7
Greene, George S	1080	4
Heirs of certain soldiers	924	3
Hogarty, William P	928	3
Holmes, Prentice	960	4
Knapp, Andrew B	1602	5
Kolter, Frederick E	949	4

Subject.	Rept.	Vol.
ROCKWELL, HOSEA H.—Continued.		
From Committee on Military Affairs.		
Long, Francis, and others	642	2
McDonald, Orin A	951	4
McDonald, Orin R	947	4
McLaughlin, Thomas A	948	4
Medical officers during late civil war	1067	4
Muster and pay of certain officers and enlisted men of volunteers	728	3
National encampment of the Grand Army of the Republic	2086	10
Oliver, Aaron J	100	1
Rank and pay of certain soldiers	734	3
Ransom, Dunbar R	950	4
Read, Henry A	453	2
Regan, James	996	4
Removing disabilities from certain officers (maximum)	730	3
War of rebellion (maximum grade)	731	3
Retired enlisted men of the Army and Marine Corps, pay and allowance of	824 826	3 3
Retired list for privates and noncommissioned officers of the Army	823	3
Sarsfield, David	2023	10
Small, Michael P	920	3
Smith, William. and others	352	2
Street, Harlow L	353	2
Wilson, William	1285	4
Woodson, Warren A	1061	4
Zell, Henry	647	2
RUSK, HARRY WELLES.		
From Committee on Accounts.		
Bell, Thomas P	1323	5
Clerks to House Committees	1	1
Folders after adjournment	2144	10
Messenger for the Committee on Rivers and Harbors	473	2
Special messengers	248	1
Stenographer and assistant clerk to committee investigating Pension Bureau, pay of	1322	5
SAYERS, JOSEPH D.		
From Committee on Appropriations.		
Census deficiency bill	432	2
Eleventh Census	9	1
General deficiency bill	1666	7
Inquiry concerning World's Fair	10	1
Pension deficiency bill	1580	5
Urgent deficiency appropriation bill	526 963 1331	2 4 5
SCOTT, OWEN.		
From Committee on War Claims.		
Adams, Charles H	349	4
Alsbury, Edward P	219	1
Alsup, John F	848	3
Armistead, Vincent	1271	4
Ayers, Asa B	1270	4
Banks, Charles	1046	4
Baugh, William	1271	4
Beckham, William R	1271	4
Blue, Solomon, estate of	305	1
Brandt, Jesse L	1272	4
Brown, Thomas J	1042	4
Burton, William	1045	4

Subject.	Rept.	Vol.
SCOTT, OWEN—Continued.		
From Committee on War Claims.		
Campbell, J. M., estate of	1272	4
Camp Tyler, Illinois, owners and occupants of	1637	5
Claims of any State for defense of the United States	552	2
Cobb, O. P., and others	351	2
Cobb, O. P. and J., & Co., surviving partners of	350	2
Core, A. S	551	2
De Bevoise, S. H., estate of	1270	4
De Loach, Claiborne, estate of	1270	4
De Loach, Claiborne, heirs of	1272	4
Flesschert, Martha E	1497	5
Franklin, William A., executor of J. B	1272	4
Grimmett, Matthew N	1271	4
Grisson, Sarah	653	2
Groves, John H	1165	4
Haigh, A. V	1042	4
Hayes, Samuel	1272	4
Heberlein, August, estate of	1270	4
Holland, James L., estate of	1271	4
Holsten Female College	1272	4
Hubbard, Mary Jane	1272	4
Johnson, Joseph B	1271	4
Jones, John	1271	4
Jordan, R. D., guardian	1272	4
Keating, Martin	879	3
Lake, Daniel, deceased	1047	4
Litten, Julius B	1271	4
McLean, Louisa E	1272	4
McMurtrey, John	1271	4
Martin, Cyrus	554	2
Musgrave, Emeline E	303	1
Nalley, Samuel M	302	1
Northrup, Charles, estate of	1270	4
Payne, William B	259	1
Peeden, Martha J., administratrix of Haywood	1271	4
Pemberton, Fannie	306	1
Reilly, John	995	4
Simmons, H. S., estate of	1272	4
Simpson, Cassa	1271	4
Somerville, Hiram	304	1
Spaulding, R. A., administrator	305	1
Starn, Levi	553	2
Sullivan, John	218	1
Talbott, Jacob J	1269	4
Westmoreland, Mary H	1271	4
Wheat, Isaac H	560	2
White, Thomas W	561	2
Wilkes, Francis	1271	4
Williamson, A. D	1271	4
Wytsinger, John	1271	4
SCULL, EDWARD.		
From Committee on Pensions.		
Chadwick, Susannah	714	3
SEERLEY, JOHN J.		
From Committee on Accounts.		
Fifteen additional folders	725	3
From Committee on the Public Lands.		
Dakota, correcting description of certain land grants	385	2
Settlers on Des Moines River lands	1075	4
University of California	253	1

Subject.	Rept.	Vol.
SHELL, GEORGE W.		
From Committee on War Claims.		
Adams, O. T	521	2
Baudry, Omer	1428	5
Baynard, Joseph S., and others	1692	7
Bell, Josiah L	1431	5
Brown, Florence A	1010	4
Carl, David and Barbette	1428	5
Cunningham, Calvin B	391	2
Deems, Lewis	1008	4
Dickson, Davidson, and others	392	2
Dyer, Rachel	262	1
Eldredge, Hallam	1691	7
Elliott, John R	1428	5
Gardner, Fannie E	1585	5
Garrot, Pierre	1428	5
Johnson, Rinaldo and Ann E	890	3
Knight, Joseph	1428	5
McElhose, James B	1704	7
Mastick Henry, administrator of	1058	7
Montgomery, Mary Ann	1691	7
Morehead City, N. C	1430	5
Morrow, William B	282	1
Neidlinger, Charles V	1007	4
Oglesby, L. T	1433	5
Pope, Daniel T., and others	1025	4
Porche, Louis V	1428	5
Priddy, John D., heirs of	1958	10
Sowers, Frank S	1429	5
Sugg, L. D	393	2
Tillman, Francis	1057	4
Tolson, John J	1432	5
Wagner, George	1058	4
Wells, James	1692	7
SHIVELY, BENJAMIN F.		
From Committee on Ways and Means.		
Tin plate, terne plate, and taggers tin	1040	4
SHONK, GEORGE W.		
From Committee on Public Buildings and Grounds.		
Public buildings, to erect, at Muncie, Ind	2108	10
Pottsville, Pa	1508	5
Washington, D. C., purchase of lot 10, square 683	2107	10
Wilkesbarre, Pa	1101	4
SIMPSON, JEREMIAH.		
From Committee to Investigate Charges Against Conduct of Members on the Floor of the House.		
Report of investigation, minority	2132	10
From Committee on the Territories.		
Cattle on Cherokee lands in violation of law	2085	10
SMITH, GEORGE W.		
From Committee on Claims.		
Baltimore, Md., Merchants and Miners' Transportation Company	1728	7
Cairo, Ill	1524	5
Continental Fire Insurance Company, New York, and others	1730	7
Dispatch (U. S. S.), sufferers by wreck of	1749	7
Harrington, Louisa	120	1
Hot Springs Mountain Reservation	1547	5
Hubbard, Royal M	1734	7
Keightley, William M	1731	7
Lewis, Mary A	1224	7

Subject.	Rept.	Vol.
SMITH, GEORGE W.—Continued.		
From Committee on Claims.		
Lockwood, Chauncey M	1604	5
New York, Lake Erie and Western Railroad Company	1484	5
Rockefellow, B. F	1732	5
Ryan, David	1546	1
Smith, Thomas J	118	7
Tabor, H. A. W	1733	7
Whitall, Catherine E	1729	4
Zazone, Julius C	119	1
SNOW, HERMAN W.		
From Committee on Invalid Pensions.		
Barnett, Druke Nettie	1240	4
Boyd, George W	1302	4
Brown, Ellen Miles	772	3
Christopher, Mary B	913	7
Ferris, Adelia S	1 98	1
Frymire, George L	064	10
Gibson, Guy W	2065	10
Hahn, Lydia E	2861	3
Harris, Martha A	1805	7
Heninger, Louis	1446	5
Hull, Mary E	863	3
La Tourette, Henry S	1029	4
Leibarger, Phebe, estate of	862	3
Pension and other claims, prosecution of	1531	5
Reeves, Louisa J	1623	5
Rigg, Druzilla J	2097	10
Ross, Mary Ann	938	3
Skeels, Laura E	437	2
Webster, Amelia R	1533	5
SMITH, MARCUS A.		
From Committee on the Public Lands.		
Amending chapter 559, Statutes at Large	1379	5
New Mexico, additional land office in	1399	5
Railroad land grants, certain settlers within	987	3
Tucson land district, Arizona, settlers on public lands in	1664	7
Unsurveyed lands within the Atlantic and Pacific Railroad land grants in Arizona and New Mexico	992	4
From Committee on the Territories.		
Arizona, admission into the Union of	737	3
funding act of	441	2
ratifying an act of the legislature	423	2
SPRINGER, WILLIAM M.		
From Committee on Ways and Means.		
To place wool on free list and reduce duties on woolen goods	501	2
STEWART, CHARLES.		
From Committee on Rivers and Harbors.		
River and harbor bill	1468	5
Ropes Pass, jetties, piers, and breakwaters at mouth of	1675	7
Trinity River, Texas, navigation of	1841	7
STOCKDALE, THOMAS R.		
From Committee on the Judiciary.		
Courts of United States, opening to certain American citizens	1079	4
Mississippi, clerks in United States circuit and district courts of	932	3
Readjustment of certain accounts	1209	4
Terms of circuit and district courts at Littleton, N. H	442	2
Wisconsin, United States Courts in	176	1
STONE, WILLIAM A.		
From Committee on Rivers and Harbors.		
Philadelphia, Pa	622	2
Public Works on the Mississippi River, willful injury of	767	3

Subject.	Rept.	Vol.
STONE, WILLIAM J.		
From Committee on War Claims.		
Allard & Crozier	49	7
Allen, L. D	648	2
Allen, Martha A., administratrix of Wyatt M	597	2
Anderson, A. E	649	2
Armelin, Charles, estate of	831	3
Athens, Ala., Cumb[illegible]'and Presbyterian Church	1180	4
Atlanta, Ga., St. Ph[illegible]ip's Church	660	2
Austin, Sterling T., heirs of	125	1
Baker, Sarah K. T	132	1
Bass, Giles W	650	2
Bell, Mary A	660	2
Bigley, Nicholas J	343	2
Billingslea, Walter R	649	2
Bishop, James	136	1
Black, Joseph	832	3
Bloom, Henrietta Y	832	3
Boardman, William, administrator of	798	3
Booth, M. A	659	2
Bowling, John, heirs of	1545	5
Breaux, Pierre	831	3
Brewer, Elvy	657	2
Briant, Mrs. E. H	831	3
Bridges, Sarah E	661	2
Bridgewater, P. H	1408	5
Broadwell, Marcus L	153	1
Brooks, John G. W	32	1
Brown, Thomas	650	2
Bugg, J. H., and others	127	1
Burditt, Augustus P	342	2
Caldwell, John R	650	2
California	254	1
Carpenter, George	650	2
Carr, Rogers & Co	814	3
Cazes, Bertrand & Gaudin	47	1
Certain claims for stores and supplies	1510	5
Cheek, R. T	648	2
Chouteau, Charles P	50	1
Chum, A. B	651	2
Citizens' Bank, Louisiana	340	2
Claims of States	555	2
Clapp, George M	268	1
Collins, Joseph	832	3
Cook, James A	1638	5
Cook, Jared R	649	2
Cook, Matilda	138	1
Cordill, Joseph	829	3
Cothes, H., heirs of	26	1
Cousens, George Lewis	216	1
Crider, S. F	131	1
Cross, Joel	660	2
Crow, William	658	2
Crum, Elizabeth and B. L	597	2
Cummings, Phœbe	649	2
Cynthiana, Ky., destruction of property	413	2
Darly, F. O., estate of	831	3
Davis, A. W	598	2
Davis, Mark, heirs of	33	1
Davis, Mark, legatees of	1636	5
Davis, Marshall	648	2
Davis, Mrs. M. M	649	2
Debnam, Thomas R	661	2

Subject.	Rept.	Vol.
STONE, WILLIAM J.—Continued.		
From Committee on War Claims.		
D catte, Owden	832	3
Dennis, Mary A	832	3
Doherty, M. A	649	2
Donato, Belote A	832	3
Dorr, John N	137	1
Dougherty, Mary A	648	2
Douglass, W. W., administrator	832	3
Downing, A. B., estate of	649	2
Duffy, Eugenia and W. B	829	3
Elzey, John	829	3
Ennis, William B	129	1
Engs, Samuel F	596	2
Fagot, Emile, heirs of	832	3
Fels, Samuel	134	1
Filhiol, Hypolite, and others	45	1
Fletcher, Nathan, heirs of	1179	4
Flowers, Elizabeth	661	2
Fraliex, Martin	660	2
Frasuer, Eli	660	2
Frizell, James S	135	1
Frobel, Elizabeth D. and Anna S	140	1
Fuller, J. B	648	2
Fusilier, Corinne Perret	831	3
Gallott, Julia	832	3
Gilfoil, Patrick	829	3
Goodrich, A. E. and M. E	832	3
Govan, J. J	658	2
Greenhill, Thomas C	650	2
Gregory, James A	156	1
Guidry, Lesant, heirs of	831	3
Groom, William G	139	1
Gullory, Martin	832	3
Hall, Goff A	52	1
Hall, Warren	53	1
	1361	5
Hamilton, G. Dwight	375	2
Harvill, Mrs. L. J	651	2
Haywood, Mrs. W. Dallas	661	2
Heard, James A	650	2
Hebert, Eliza E	54	1
Heborn, Adaline L., estate of	649	2
Heiskell, Ann E	143	1
Henson, Hugh M	42	1
Higgin, Richard, estate of	658	2
Higgins, John M	605	2
Hildreth, William W., deceased	36	1
Hill, Alexander, estate of	832	3
Hill, Joseph A	659	2
Hoffman, R. H	322	1
Holbrook, Julia	659	2
Holt, C. G., administrator of Willey	661	2
Hopper, W. A., administrator of David	649	2
Hughes, William	48	1
Hughes, William H., administrator	43	1
Humphries, Julia A	149	1
Hurdle, Eunice	597	2
Interest on money expended in raising troops	555	2
Isgrig, Thomas C	412	2
Izard, Florimond	832	3
Jean, Francis, sr	832	3
Joiner, Nathan	1889	7

Subject.	Rept.	Vol.
STONE, WILLIAM J.—Continued.		
From Committee on War Claims.		
Jones, Francis S., estate of	651	2
Jones, Isaac and Thomas C., estate of	648	2
Jones, John H	597	2
Kennedy, Leonora J	832	3
Kentucky, Jefferson County, claims of certain citizens	374	2
Kerr, A. C	657	2
Kimmons, William M	597	2
Koons, Anthony	34	1
Labell, Charles	657	2
La Fayette College	650	2
Lafferty, James	658	2
Lafleur, Ben M	832	3
Lafleur, Jean Pierre	832	3
Lafleur, Marcelin	832	3
La Grange Synodical College	29	1
La Grange College	650	2
Lanier, N. B	649	2
Lastrapres, Victor	832	3
Leduff, Alexis	832	3
Leftwich, Gertrude A	28	1
Lemelle, Charles, estate of	832	3
Lemelle, Leon	832	3
Lemelle, Ludger, estate of	832	3
Lemelle, Rigobert, estate of	832	3
Lement, Pierre	832	3
Lewis, Abner D	658	2
Linn, Jane	152	1
Little Rock and Memphis Railroad Company	885	3
Logan, Mary T., widow of A. L	651	2
Long, Henry W	657	2
Loyal citizens of Loudoun County, Va	1018	4
Lutz, Andrew	141	1
Lynch, John A	1577	5
McBrayer, John H	1543	5
McClintock, Joseph B	148	1
McConnell, C. J	419	2
McLellan, Leander C	1594	5
McLeod, Daniel, legal representatives of	797	3
MaNairy, Hugh	126	1
McNeill, John C	661	2
Maddox, Laura E	886	3
Madison Female Institute	1050	4
Magill, Lydia A., administratrix	323	2
Marsh, Samuel	151	1
Marshall, Levin R., executors of	260	1
Mastin, Claude H	150	1
Matlock, E. S., estate of	597	2
Meador, Zaddock	661	2
Meaher, Timothy, administrator of J. M	651	2
Meuillon, Alphonse	832	3
Meuillon, Lucien	832	3
Militia organizations, Missouri, claims of	695	3
Miller, James	662	2
Millet, Francis	359	2
Mitchell, James A	637	2
Mobile and Girard Railroad Company	341	2
Mobile Marine Dock Company	46	1
Moffitt, Alexander	31	1
Montgomery, Pearson C	30 1647	1 7

Subject.	Rept.	Vol.
STONE, WILLIAM J.—Continued.		
From Committee on War Claims.		
Munday, W. G., administrator	832	3
Murphy, Dennis, sureties of	575	2
Murphy, James	649	2
Murray, Francis M	35	1
Neck, George, sr	832	3
Nevada	254	1
Nixon, Henry C	661	2
Okolona (Miss.) Independent Order of Odd Fellows	648	2
Oregon	254	1
O'Shea, P. T	649	2
Paillett, Hilliare, estate of	832	3
Parish, J. W	430	2
Parker, Rebecca V., estate of	832	3
Patterson, David K	648	2
Pelletor, E. W	651	2
Phillips, John C	1890	7
Poitevent, William T	1652	7
Pollard, A. W	128	1
Pitzer, T. T	1409	5
Rabot, Jean Baptiste	832	3
Reeves, George W., estate of	659	2
Rhea, John L., executor of Samuel	358	2
Rhodes, John, and wife	144	1
Rice, W. H	650	2
Ripley, E. W., estate of	832	3
Ritchie, Cordelia A	796	3
Robb, William N	1544	5
Robertson, Mary H. S	51	1
Rose, Merritt	154	1
Rudd, J. C	142	1
Sammis, John S	145	1
Sanders, David B., estate of	27	1
Sanders, W. W., deceased	832	3
Sanford, Martha Ann	658	2
Scanlan, Mrs. W. H	830	3
Schaumburg, James W	344	2
Schaumburg, James W., legal representatives of	1405	5
Scott, John D	659	2
Scott, Samuel	649	2
Sessions, Franklin	648	2
Shacklett, H. W	504	2
Sheely, Ann	829	3
Shelby, J. C	1221	4
Sigur, John A	831	3
Simmons, J. W	659	2
Sims, James	418	2
Smith, A. J	651	2
Smith, Nancy C	597	2
Smith, Sarah E. B	1647	7
Smith, Vasti	661	2
Solair, Fannie	829	3
Sparks, D. M., estate of	651	2
St. Charles, Mo., St. Charles College	215	1
Stiff, Martha	1387	5
Stirman, Thomas V., deceased	157	1
Stovall, J. H	48	1
Stores and supplies, claims for	1552	5
Strickland, Jesse H	217	1
Summer, Margaret	649	2
Tate, Sally Sterrett	147	1
Morin, Catherine, heirs of	33	1

Subject.	Rept.	Vol.
STONE, WILLIAM J.—Continued.		
From Committee on War Claims.		
Tatin, Jean Marie	832	3
Thompson, John B., estate of	1206	4
Thorne, John D	146	1
Travis, W. C. M	130	1
Traweek, Mrs. E. L	657	2
Turner, Zeph	534	2
Unsell, David, estate of	43	1
Valleau, Sarah J	832	3
Vaughan, W. H	155	1
Verdin, Romain, estate of	831	3
Vignes, Polona	832	3
Walker, Julius	659	2
Wallace, Thomas	658	2
Ware, Henry	44	1
Warterfield, P. F., deceased	1131	4
Watkins, Nancy	650	2
Webb, William S	650	2
Whitaker, William	649	2
Wilhite, H	1891	7
Williamson, John E., administrator	1206	4
Willis, William B., deceased	649	2
Woodbridge, William E	177 1393	1 5
STONE, CHARLES W.		
From Committee on Coinage, Weights, and Measures.		
Free coinage of gold and silver bullion, views of the minority	1839	7
STOUT, BYRON G.		
From Committee on Public Lands.		
Chelan, Okanogan County, Wash	237	1
Mexican Gulf, Pacific and Puget Sound Railroad Company	1792	7
Relief of inhabitants, Ferron, Utah	252	1
Yellowstone National Park, boundaries of	1574	5
STUMP, HERMAN.		
From Committee on Immigration and Naturalization.		
Chinese immigration	255	10
Ellis Island, investigation of	2090	12
Immigration and contract labor laws, enforcement of	1573	5
Proposed immigration investigation	411	2
SWEET, WILLIS.		
From Committee on Public Lands.		
Mineral lands, examination and classification of certain, views of minority	1415	5
TARSNEY, JOHN C.		
From Committee on Labor.		
Bureau of Engraving and Printing, leaves of absence in	408	2
Eight-hour law, etc	427	2
Labor troubles, Idaho	2016	10
Mechanics and laborers, hours of labor of	1267	4
From Committee on Public Buildings and Grounds.		
Alpena, Mich	1849	7
Erection of public buildings	1078	4
Kansas City, Kans	2130	10
Kansas City, Mo	1108	4
Pine Bluff, Ark	2126	10
Plattsmouth, Nebr	2052	10
TAYLOR, ALFRED A.		
From Committee on Invalid Pensions.		
Hood, Julia	1553	5
Reardon, Mary Catharine	532	2

Subject.	Rept.	Vol.
TAYLOR, EZRA B.		
From Committee on the Judiciary.		
Additional clerk for district and circuit court, eastern district of Arkansas	295	1
Captured and abandoned property, views of minority	1377	5
Court of Claims, disposition of causes in	1259	4
Defining the crimes of murder in the first and second degree	504	2
Idaho, United States courts in	309	1
Revival of suits in certain cases	383	2
Western judicial district, Wisconsin	2	1
West Virginia, time for holding circuit and district courts in	933	3
TERRY, WILLIAM L.		
From Committee on the Territories.		
Indian Territory, carriage of passengers by railroads	1460	5
certain laws for	1893	7
Oklahoma, carriage of passengers by railroads	1460	5
certain laws for	1095	4
temporary government for	2054	10
TILLMAN, GEORGE D.		
From Committee on Patents.		
Foreign exhibitors	626	2
TOWNSEND, HOSEA		
From Committee on Public Lands.		
Colorado School of Mines	841	3
Lands entered under the desert-land laws	1993	10
TUCKER, HENRY ST. G.		
From Committee on Election of President, Vice-President, and Representatives in Congress.		
Election of Senators	368	2
From Committee on Public Lands.		
Forfeiture of certain lands	1555	5
Montana Mineral Railway Company	854	3
TURNER, HENRY G.		
From Committee on Ways and Means.		
Bagging for cotton, etc	503	2
TURPIN, LOUIS W.		
From Committee on Indian Affairs.		
Cherokee Indians, Eastern Band of	1871	7
VAN HORN, GEORGE		
From Committee on Invalid Pensions.		
Bowden, Elizabeth	768	3
Byron, Margaret	1877	7
Claiborne, Courtney Ann	1898	7
Fritcher, Elizabeth L	1620	5
Hall, Minnie	531	2
Holmes, Eliza	1876	7
Kelly, Elizabeth	65	1
Mailloux, Belle Carlton	1085	4
Maloy, Bridget	66	1
O'Connor, Mary	1301	4
Shaw, Clara V	1388	5
Smith, Caroline	1032	4
Smith, Edward S., accrued pension of	421	2
Smith, Mary C	1556	5
Stevens, Harriet W	2055	10
From Committee on Private Land Claims.		
Claiborne, Courtney Ann, heirs of	1898	10
WARNER, JOHN DE WITT		
From Committee on Public Buildings and Grounds.		
Allentown, Pa	2109	10
Baltimore, Md., (custom-house)	2111	10
Bradford, Pa	1999	10
Bridgeport, Conn	2110	10

Subject.	Rept.	Vol.
WARNER, JOHN DE WITT—Continued.		
From Committee on Public Buildings and Grounds.		
Brockton, Mass	1116	4
Buffalo, N. Y	1117	4
Camden, N. J	1506	5
Elizabeth, N. J	1744	7
Elmira, N. Y	1848	7
Fire in House of Representatives folding-room	1456	7
Fitchburg, Mass	1820	7
Hartford, Conn	1821	7
Hoboken, N. J	1794	3
Hot Springs, Ark. (sale of school lot)	738	5
Jamestown, N. Y	1507	0
McKeesport, Pa	2112	14
Nashua, N. H	1122	7
New York, N. Y. (new custom-house)	1742	4
Paterson, N. J	1102	7
Pittsburg, Pa., sale of certain United States property	1743	5
Pottsville, Pa	1508	4
Providence, R. I	1121	0
Rome, N. Y	2121	14
Suspension Bridge, N. Y	1115	4
Waterbury, Conn	1120	5
WARWICK, JOHN G.		
From Committee on Public Buildings and Grounds.		
Public building, to erect at Massillon, Ohio	1124	4
WASHINGTON, JOSEPH E.		
From Committee on the Territories.		
Oklahoma, funding county debts of	991	4
reserving lands in	1095	4
Utah, exhibit at Columbian Exposition	993	4
local government of	943	3
WAUGH, DANIEL		
From Committee on Pensions.		
Kennedy, Thomas S	1929	7
From Committee on the Revision of the Laws.		
Postal laws, amendment to	696	3
WEVER, JOHN M.		
From Committee on Claims.		
Lints, J. J	917	3
Merritt, Edwin A	683	2
Mordecai, M. C., administrator of	717 1139	3 4
WHEELER, HARRISON H.		
From the Select Committee to Investigate the Methods and Management and Practices of the Pension Bureau.		
Report of investigation	1868	8-9
WHEELER, JOSEPH		
From Committee on Military Affairs.		
Alcantara, Francisco	1202	4
Appropriation for Military Academy	5 925	1 3
Bagshaw, George	205	1
Beshears, Alvis	158	1
Bevins, Samuel	208	1
Board of review	1074	4
Bourke, John G	1137	4
Bovell, John V	193	1
Boyd, Orsemus B	751	3
Brooks, S. J	1797	7
Buckner, Benjamin F. (or Taylor)	196	1
Burdette, John C	206	1
Casey, Peter	194	1

Subject.	Rept.	Vol.
WHEELER, JOSEPH—Continued.		
From Committee on Military Affairs.		
Cozad, Henry	2041	10
Cutts, J. Madison	2118	10
	2131	10
Edwards, Richard M	109	1
Freedley, Henry W	1203	4
Gage, E. Darwin	2033	10
Hanson, Willis F	201	1
Hershe, Benjamin F	200	1
Horn, Fritz	209	1
Huse, Caleb	2034	10
Jackson, George	197	1
King, Orris O	204	1
McFarland, James A	195	1
Murray, Joseph	202	1
Schlapp, August	198	1
Scott, Austin A	199	1
Sheehy, Michael	207	1
Simpson, Isaac S	2125	10
Thompson, George W	192	1
Workman, Thomas C	210	1
Wright, Henry H	203	1
WHITING, JUSTIN R.		
From Committee on Ways and Means.		
Silver-lead ores	1372	5
Wearing apparel and personal effects admitted free of duty	1537	5
WILLIAMS, ARCHIBALD H. A.		
From Committee on Public Buildings and Grounds.		
Durham, N. C	1123	4
WILSON, JOHN L.		
From Committee on Indian Affairs.		
Colville Reservation, agreement with Indians of	1035	4
Right of way through Puyallup Indian Reservation	1945	7
WILSON, ROBERT P. C.		
From Committee on Pensions.		
Absher, Anderson	1980	10
Anderson, Samuel S	1783	7
Askew, John J	2029	10
Athon, Levenia D	1930	7
Aubrey, Andrew J	1983	10
Bacon, Mary L	1762	7
Barnard, Anna E	2076	10
Belger, Fanny N	1786	7
Bell, Luman	2089	10
Bethards, Henry J	975	4
Birch, William A	223	1
Bolings, Samuel J	222	1
Bradford, Joseph J	1710	5
Bridges, Rebecca	1982	10
Briggs, Samuel G	1949	7
Brown, Elisha	1861	7
Burrough, William	743	3
Burton, Felix	1843	7
Byrd, Susan C	1932	7
Calhoun, Maggie E	1715	7
Campbell, Nancy	1782	7
Campbell, Robert S	1757	7
Carpenter, Ellen	2047	10
Chapman, Edward R	902	3
Churchill, Benjamin	976	4
Clark, George W	2031	10
Cleaveland, Jesse	1836	7

Subject.	Rept.	Vol.
WILSON, ROBERT P. C.—Continued.		
From Committee on Pensions.		
Coffman, Joseph	2048	10
Conroy, Eliza	2077	10
Copen, Addison M	998	4
Copenhaver, A. J	1934	7
Craig, Joseph	1992	10
Crawford, Elizabeth R	336	2
Dally, Abraham	1709	7
Davis, James A	339	2
Davis, Susanna	1838	7
Day, Cornelius	1997	10
Dean, John A	1863	7
Donnelly, Peter	805	3
Dunn, Philip G	1714	7
Dyall, James R., widow of	1978	10
Falkner, Nathan	1760	7
Farquharson, Mrs. S. A	1785	7
Fisher, Samuel O	55	1
Fields, John	2030	10
Frazier, Stark	679	2
Goodwin, Miles	1051	4
Graham, Amelia	1981	10
Granberry, Joseph J	1765	7
Hall, Jacob	1834	7
Harley, Elizabeth	1835	7
Hollis, Mary	1994	10
Jergins, Jesse J	1777	7
Jobe, Lavina	1711	7
Jones, Andrew J	338	2
Kennedy, Anthony M	807	3
Kingsley, Sterling	1775	7
Kirtley, James W	1716	7
Kramer, Andrew	681	2
Landes, Abraham	901	3
Lane, James	1832	7
Lane, Lewis	221	1
Lang, D. M	899	3
Larnard, Helen	2116	10
Luttrell, Samuel	1961	10
Lyon, Harry	1948	7
McElvey, Harmon H	489	2
Malloy, John	1996	10
Matlock, John	2032	10
Menefee, Mary A	1712	7
Mercer, John	900	3
Merritt, Henry	1778	7
Mexican war, increase of pension to certain soldiers	1959	10
Morgan, Benjamin	1977	10
Murphy, Susan S	1979	10
Nindemann, William F. C	981	2
Owen, L. D	1931	7
Pierce, Eliza B	1837	7
Prator, John D	1776	7
Ramey, Jonathan	488	2
Reed, David	806	3
Renfro, Nancy E	224	1
Riggs, Reuben	1713	7
Rowland, Thomas J	1964	10
Russell, William	1833	------
Sanderson, Louis G	1995	10
Sigler, Phebe	1758	7
Simmons, Abraham B	1759	7

Subject.	Rept.	Vol.
WILSON, ROBERT P. C.—Continued.		
From Committee on Pensions.		
Simmons, Margaret C	1784	7
Slaughter, Ann Mercer	2084	10
Smith, Caroline A	808	3
Smith, James	1781	7
Staley, Noah	337	2
Tendoy, Chief of Bannock, Shoshone, and Sheepeater tribe of Indians	1830	7
Thomas, Elward	680	2
Trimble, Mary E	1862	7
Tucker, Thomas	1998	10
Turner, Margaret	56	1
Ware, Perry G	973	4
Watson, William M	1719	7
Webster, Amelia R	804	3
White, George W	487	2
White, Jeremiah	1764	7
Woodward, William S	485	2
Worthington, Betsey	486	2
Wright, Julia P	1761	7
Young, Anna Maria	447	2
Youngblood, Rebecca M	1962	10
WILLCOX, WASHINGTON F.		
From Committee on the Eleventh Census.		
Eleventh Census	1171	4
Investigation of Census Office	1170	4
Permanent Census Bureau	1068	4
WINN, THOMAS E.		
From Committee on Private Land Claims.		
Segoura, Raphael	1812	7
From Committee on War Claims.		
Anderson, Mary H., widow of Hiram	1370	5
Ashe, John Baptiste, legal representatives of	1132	4
Athens, Ala., Cumberland Presbyterian Church of	310	1
Blackistone, Richard P	1362	5
Brooks, William H. H	1488	5
Burks, William H. H	1488	5
Cartersville (Ga.) First Baptist Church	292	1
Clark, James S., estate of	377	2
Dalton, Ga., trustees of Catholic church	291	1
Delahoussage, Sidonie	1370	5
Deslonds, Mrs. Frank	1370	5
Dunklee, William M., administrator	1251	4
Edwards, Emily	1375	5
Fletcher, Nathan, heirs of	600	2
Florence (Ala.) Masonic Lodge	601	2
Garrison, Nemiah	111	1
Grivot, Maurice, heirs of	376	2
Harding, Francis E., estate of	1370	5
Huntsville (Ala.) Methodist Episcopal Church	264	1
Johnnot, William, and others, legal representatives of	1133	4
Kendall, William, legal representatives of	361	2
Lipscomb, James C	1268	4
Mount Zion Society	439	2
Newman, James M	524	2
Nichols, Frank H., estate of	243	1
Perry, O. H., administrator, George W	1801	7
Poullain, Mildred P	417	2
Refund of moneys collected by the United States	1363	5
Rogers, Benjamin F	244	1
Spaugh, Robert	265	2
Stoddart, Alexander	261	1
Ward, Enoch P	458	2

Subject.	Rept.	Vol.
WISE, GEORGE D.		
From Committee on Interstate and Foreign Commerce.		
Bridge across Mississippi River at Moline, Ill	941	4
Collectors and surveyors of customs	1233	3
Compagnie Française du Télégraphe de Paris à New York	964	4
Investigation of railroad combinations	1630	5
Laredo, Tex., subport of entry	544	2
Life-saving appliances on steamers	568	2
Newark, N. J	272	1
Ogdensburg, N. Y	235	1
Port of delivery, Council Bluffs, Iowa	507	2
Seaton, Norman	1619	5
	1952	7
Velasco, Tex	545	2
West Point, Va	443	2
WOLVERTON, SIMON P.		
From Committee on the Judiciary.		
Arrest of offenders against the United States	1967	10
Boyd, Elizabeth T	946	4
Courts of United States, illegal practices in, etc	1966	10
Fees of clerks of United States courts	1970	10
Hankins, Joel S	946	4
Returns of fees by district attorneys, etc	1969	10
Transfers and assignments of claims against the United States	422	2
United States commissioners' fees	1968	10
YOUMANS, HENRY M.		
From Committee on Agriculture.		
Society of American Florists	476	2

52D CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT 1868, Part 2.

REPORT

OF THE

SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES,

INVESTIGATING THE METHODS AND MANAGEMENT AND PRACTICES OF THE BUREAU OF PENSIONS,

UNDER RESOLUTION OF THE 10TH DAY OF FEBRUARY, 1892.

IN TWO VOLUMES.

VOL. II.

JULY 14, 1892.—Laid over and ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1892.

WASHINGTON, D. C., *Monday, April 11, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Dungan, Little, and Lind, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF B. F. FLANNIKEN.

B. F. FLANNIKEN sworn and examined.

Gentlemen of the committee, I noticed in the papers Saturday morning that Mr. Hersey, in his testimony before this committee, given on Friday, I think, used my name as one of the private secretaries, in which he stated his belief I had been obtaining information from the Pension Office and selling it to attorneys. I was the private secretary to the late Senator Plumb for more than eleven years. During that time I had entire charge of his correspondence in relation to pension matters, and was very frequently in the Pension Office. It was our custom and my orders to call up and obtain the status in every pension claim that was requested. I simply wish to say that during my whole term of service that I never received a dollar, a cent, a nickel, a dime, or any other sum for the status in any pension claim that I ever obtained from the Pension Office. That is all I desire to say, gentlemen.

TESTIMONY OF GEORGE W. WAYSON, JR.

GEORGE W. WAYSON, Jr., sworn and examined.

By Mr. ENLOE:

Q. Mr. Wayson, state your name, residence, age, and occupation.—A. My name is George W. Wayson; my residence is temporarily in Philadelphia; my occupation is special examiner.

The CHAIRMAN. For the Pension Bureau?

A. Yes, sir; and if I live to see the coming December I will be 36 years of age.

By Mr. ENLOE:

Q. What State are you from?—A. From Maryland, sir.

Q. Born in Maryland?—A. Yes, sir.

Q. Are you a lawyer by profession?—A. Yes, sir.

Q. Whom did you study law under?—A. Hon. A. Sterling, jr., sir.

Q. Did you ever have any connection with Judge Stockbridge in his office at any time?—A. Hon. Henry Stockbridge?

Q. Yes, sir.—A. Yes, sir.

Q. What position did you hold in the Pension Office prior to your appointment to duty in the field?—A. At what time, sir? I have been an examiner on the desk and a special examiner on the criminal desk in the special examination division and acting assistant chief and assistant also.

Q. When were you assistant chief and acting assistant chief of the special examination division?—A. I couldn't give you the exact date or that, but the record will show.

Q. About what time?—A. I think sometime in September, 1890; I am not sure about that. I think about that time. I think that is about the date of my appointment as assistant chief, but I had been acting as assistant chief from November, 1886, I think, sir.

Q. From November, 1886?—A. Yes, sir.

Q. While you were acting as assistant chief of that division you had considerable to do with the disposition of special examiners in the field, didn't you?—A. No, sir.

Q. Had nothing to do with their appointment at all?—A. I didn't say I didn't have anything to do with it. I will give you all the information I can as far as I am able.

Q. Give me that?—A. I will say no. I did not have considerable to do with the disposition or assignment of special examiners. That was under the control of the chief or acting chief and Commissioner, whose orders are carried out.

Q. You always acted under orders in the disposition of these men?—A. Yes, sir.

Q. While you were acting chief of the special examination division didn't you recommend very frequent changes in the force in the field? That men should be called in, should be dropped from the rolls, and others should be dismissed, and so on, and so on?—A. No, sir; I did not.

Q. You never made any such recommendations?—A. Not that I am aware of. The record will show it.

Q. You don't remember about that?—A. No, sir; not now; but if you will state to whom you refer, I will state what I did do and what I didn't do, as far as my recollection serves me.

Q. Do you know anything about the charge that has been made that you have been collecting considerable money from examiners in the field, men who wanted assignments to go to the field, and it is charged that you were receiving money for making those appointments?—A. That article appeared in a New York paper, sir.

Q. Was that matter ever looked into in any way?—A. It was, sir.

Q. Who investigated it?—A. Gen. Bussey directed that I should make an explanation of it, and obtain statements from gentlemen whose names were connected with it, and I complied with that order.

Q. You got explanations from the persons mentioned in that connection, did you?—A. Yes, sir; I did, sir.

Q. Just look at this paper and see if you recognize that as the papers which you referred to as relating to this matter? [Hands papers to witness.]—A. I believe they are, sir.

Q. What is this first man's name here, sir?—A. James E. S. Coney.

Q. Did you receive any money from Mr. Coney?—A. For what?

Q. For assigning him to duty in the field?—A. No, sir; nor from any other man.

Q. Did he ever indorse any paper for you or ever loan you any money?—A. That is my private business and not the committee's. My official record is open to the investigation but my private affairs are my own.

Q. You don't propose to answer the question, then, as to whether or not he loaned you this money while he was asking for an assignment in the field, or you borrowed it from him. I will ask you, then, if he did not get an assignment soon after he loaned you some money or indorsed for you?—A. I know nothing about that. Mr. Coney or no other man in the Pension Office ever loaned, paid, or gave any money to me for any official act whatever.

Q. I want to know if you were in the habit of borrowing money from those under your control?—A. I told you a while ago that my official acts are open to investigation. My private affairs are my own business.

The CHAIRMAN. Your private affairs so far as they effect public business are legitimate matters for us to investigate.—A. I say that they don't enter into it in any way whatever.

By Mr. ENLOE:

Q. I want to know if this man indorsed any paper for you or loaned you any money while he was there as a special examiner or before he was assigned to duty in the field as a special examiner and while you were acting or was assistant chief of the special examination division?—A. Mr. Coney was assigned to the field under Gen. Black.

Q. I ask you the question whether or not he loaned you any money or indorsed for you while you occupied that position?—A. I decline to answer any such question. I consider that my private affairs.

By Mr. DUNGAN:

Q. What part of it is your private affairs, his being assigned to duty or his borrowing money?—A. I have answered the question. I have made all the answer I desire to make. I had nothing to do with his assignment, I said I had nothing to do with his assignment in the field in any way.

Q. Were you acting chief or assistant chief when he was assigned?—A. I was acting as assistant chief.

By Mr. ENLOE:

Q. Then you had something to do with his assignment in the field?—A. I had said no.

Q. You had said you had nothing to do with it?—A. I did. I say to you very frankly I had never had a man assigned to the field nor never assigned one to the field or had anything to do with the selection of any man's headquarters.

The CHAIRMAN. Who is this man you speak of as assigned to the field.

Mr. ENLOE. It is Mr. Coney.

The CHAIRMAN. Did he rank you in office or you outrank him?

A. He was never in the special examination division until he came in to be assigned. He was a neighbor of mine, in Baltimore. We were quite intimate, both his family and my own.

Judge PAYSON. In so far as you may know, who did have to do with his assignment in the field. Who was the individual?

A. Maj. Adolph Frank was chief, and it was at his request that Mr. Coney was assigned to the field, I think. I am not positive about that, though.

Mr. ENLOE. I will ask you if this man was not making his home at Baltimore, Md., and owning property there?

Judge PAYSON. Mr. Coney?

Mr. ENLOE. Yes, sir.

The WITNESS. Yes, sir.

Mr. ENLOE. And if you didn't have him assigned to duty in Baltimore, and if he didn't live there for about 12 years?

A. As to owning property, I have no knowledge whatever; but as to making his home in Baltimore, he had been living there since I formed his acquaintance, in the latter part of 1884. I did not have him assigned to Baltimore.

The CHAIRMAN. Did you take any part in his assignment, directly or indirectly?

A. No; not that I know of.

By Mr. ENLOE:

Q. Still you were acting chief of the special examination division?—A. No, sir; I was not and never was except at intervals during the absence of the chief.

Q. That is what I understand, and if you will look at the record you will find the intervals very frequent. You will find your name signed as acting chief of the division quite frequently.—A. That may be true. You will find it signed frequently as acting assistant chief and as acting chief.

Q. Then you decline to state whether or not this man borrowed any money from you while he was your subordinate in office?—A. I do, sir.

Q. Whether he borrowed or gave you any money or you borrowed any money on his indorsement or he loaned you any money. You decline to state anything at all?—A. I do.

Q. Do you put this on the ground that if you answered this question truthfully it might lead to criminal prosecution against you? Are you standing on your constitutional right?—A. No, sir. Not any criminal prosecution.

Q. Why don't you answer the question, then?—A. Simply because I regard it as my private business.

Q. Your private business had connection with the public business if you were borrowing money from your subordinates in office, and I want to know if you borrowed money from this man or used his indorsement while you were in office?—A. I told you a while ago that I declined to answer the question.

Q. We will see if we can not make you answer it.

Mr. ENLOE. I wish it to be put upon the record that I expect to prove by him, if he answers the questions, that he has been using this man's indorsement for the purpose of raising money, or has borrowed money from him, or accepted money as a gift.

By Mr. ENLOE:

Q. Now I will ask you if you are acquainted with Mr. W. J. Brooks, a special examiner in this District?—A. Yes, sir.

Q. I will ask you if you had anything to do with Mr. Brooks's assignment to his position in this city?—A. Not a thing, no more than you have.

Q. I will ask you if you, while you were acting as assistant chief there, secured Mr. Brooks's indorsement on any notes?—A. For what purpose?

Q. For the purpose of raising money.—A. What is the object of it?

Q. I suppose your object was to use the money. I want to know whether or not you borrowed the money?—A. I decline to answer the question.

The CHAIRMAN. What do you expect to prove?

Mr. ENLOE. We expect to prove that this man, who was given an assignment here in the District of Columbia, which is considered a very choice assignment, given by this man, and it was through his influence that he received it while he was assistant chief of the division or acting as assistant chief?

The WITNESS. I told you I had nothing to do with his assignment in any way whatever.

Mr. ENLOE. That he secured his indorsement on a note for $450, more or less?

The CHAIRMAN. Before the assignment?

Mr. ENLOE. Yes, sir; and that so far as I know the note has not been

paid yet, or not very much of it has been paid. I don't think the matter has been settled up from what I know about it.

Q. I will ask you if Mr. Harvey Ellis, another man in the Pension Office, was not an indorser on this note with Mr. Brooks?—A. I decline to answer, sir.

Q. I will ask you if Mr. Ellis did not ask to be called in from the field so he could come in and attend to the renewal of that note?—A. I have no knowledge of that, sir.

Q. Do you know anything about any such note?—A. I decline to answer any question with reference to my financial transactions whatever with any person or anybody at any time. I consider that purely my private affairs.

Q. I will ask you a few more questions on that point.

By the CHAIRMAN:

Q. Do you think it is proper to be around borrowing money as a public officer; do you think that is a proper thing to do in the public service?—A. As an abstract question, do you mean?

Q. As an abstract question.—A. It may be so considered by some and not by others.

Q. You evade the question, then, do you, in that way?—A. I do, sir.

Q. If others should think differently from you and were charged with investigating that subject with the authority of Congress, do you think those persons are entitled to inquiry into what extent you have loaned or have borrowed money, and from whom you have borrowed it?—A. No; I don't think so. I don't think my private affairs have anything to do with it, or anything to do with the Commissioner of Pensions.

By Judge PAYSON:

Q. You had nothing to do with this man's official assignment to duty?—A. Not a single thing; never had a man assigned to the field in my life.

By Mr. ENLOE:

I will ask you if you had not been borrowing money extensively from persons in the Pension Office and subordinates in the office, and especially in the division in which you were assistant chief?—A. I decline to answer that question, sir.

Q. I will ask you if you ever borrowed any money or secured the indorsement upon notes of one James R. Fritts, or accepted any money from him for your influence in securing him a desirable assignment in the field as a special examiner?—A. I never secured him a desirable assignment. Capt. Fritts is of opposite political faith to me, and was a supervising examiner under Gen. Black and retained by Commissioner Tanner.

Q. Did he indorse any notes for you?—A. I decline to answer that, sir.

Q. I will ask you if you know Mr. Sprague, special examiner?—A. I know him, sir.

Q. Indorsed any papers for you or loaned you any money or gave you any money to secure your influence in securing a desirable assignment in the field?—A. If you will put the rest of your question on the same ground as the latter part of that one, I will answer them all.

Judge PAYSON. Answer this one.

A. Emphatically, no. And if you will put the other questions that way I will answer every one of them.

By Mr. ENLOE:

Q. I will ask you, then, if you borrowed any money from him while in office?—A. I decline to answer.

Q. I see you have got a hole there that you crawl into regularly.—A. That is all a matter of opinion.

Q. Well, when these charges were made against you in regard to borrowing money from various persons, securing their indorsement, or accepting pay for influence in the office, they were made through the New York Herald, were they?—A. I saw it in the New York Herald. I don't know how they were made.

Q. You saw the printed articles in the New York Herald?—A. Yes, sir.

Q. Were those brought to the attention of Commissioner Raum?—A. They were, sir.

Q. Did he order an investigation into the matter?—A. I don't know what he ordered. I can tell you what I did through the direction of Gen. Bussey to the Commissioner of Pensions. Gen. Raum sent to me and told me that Gen. Bussey demanded that I should make an answer to that charge, and I did so. Then I was told by the Commissioner that I ought to obtain statements from all of those gentlemen. I asked him how I was going to do it, and he said, "Write them a communication and submit it to the chief of your division before they were signed and sent out," and I did so, and they were sent out and replied to, and those statements put together and the letter transmitted to the Commissioner, and I took them to Gen. Bussey personally and waited until he read them, and I asked him if there was anything further he wanted me to do and he said no.

By the CHAIRMAN:

Q. This charge of loaning money from these men was investigated by order of Commissioner Raum and General Bussey?—A. In that way; yes, sir.

Q. And yet you refuse to allow this committee to examine into that same question?—A. Well, I have answered all the questions, Mr. Chairman, that I have the right to answer, and I refuse to make any statement. If Mr. Enloe asks me the question whether I ever obtained any money, borrowed any money from any man to influence my action in that office in any way, shape, or form, I answer him no.

Q. It seems that your conduct was investigated at that time?—A. I was called upon to make that statement, and I denied it then and I deny it now.

Q. You still refuse to allow us to ascertain the truth of the charges made here?—A. I think I have answered that question.

Q. You think that is proper?—A. I do; yes, sir.

Q. You think, as a public officer, after your conduct has been investigated by your chief, that when a committee, authorized by Congress to investigate the Pension Bureau, should call upon you to make these statements, that you should refuse?—A. I didn't know that the committee was investigating me.

Q. We are investigating your acts. You are connected with the Bureau.—A. I refuse to answer any question in regard to my private affairs.

Q. I want to know if a public officer, who it is claimed has had an investigation in regard to his affairs, should refuse to give the committee appointed by Congress that same information in regard to that same matter, if within his knowledge; that is what I want to know. Do

you refuse this committee an opportunity to go into that same question?—A. I don't refuse the committee any information with reference to my official acts, but I do with reference to my private matters.

Q. You were investigated on your official acts or private business and loaning money under that charge in the paper?—A. My official acts were investigated.

Q. This is the article you were investigated on, is it?—A. That is the article there; yes, sir.

The CHAIRMAN (to Mr. Enloe). Is this in evidence?

Mr. ENLOE. No, sir; but I want to offer the article in evidence before I get through with this witness. I might as well put them in here.

More scandals in Raumania—Startling charges against George W. Wayson, jr., of the Pension Bureau—Places bartered for loans—Good berths for examiners who would lend their chief money and not call for it—Pretexts for junketing tours.

[By telegraph to the Herald.]

HERALD BUREAU,
CORNER FIFTEENTH AND G STREETS NW.,
Washington, January 2, 1891.

The National Democrat, in its issue this week, under the head "Rottenness in Raumania," tells an interesting story of the way special agents of the Pension Bureau obtain assignments to places that are specially desired by them. It says:

"The Pension Office, under the management of the claim agents' Commissioner, Green B. Raum, has been the source of numerous and unsavory scandals. It has been the one particular sore spot of Harrison's scandalous administration. And yet the half has not been told. The following facts but show the rottenness and corruption that obtain in this Bureau under the rule of the present Commissioner:

"George W. Wayson, jr., is assistant chief of the special examination division, the most important division in the Pension Bureau. Wayson was appointed to this position by Green B. Raum, sr. He is virtually the chief of the division, for while one Butterworth is nominally 'acting chief' he is a mugwump, not only in politics but in business methods, and so Wayson rules supreme.

"Under the law there are 150 special examiners provided for. The Commissioner can also detail 150 clerks to act as special examiners. These are assigned districts, and there is also great strife to secure a pleasant location. The larger cities are much to be preferred, for there is no country travel, an office is provided in a Government building, and the examiner, if a married man, can settle down to housekeeping and save the $3 per diem that is allowed for hotel bills.

"MR. WAYSON'S THRIFTY MIND.

"From the beginning of Raum's and Wayson's control the latter has profited by the desire of each of 300 examiners desiring a soft place. He did not sell for so much cash in hand the more desirable places, but he accomplished the same result in a different manner. He gave each applicant to understand that he had sole control of the assignment to duty, and that he proposed to accommodate those who accommodated him.

"He had 'a tale of woe' that he poured into the ears of all that he thought he could 'work.' 'A sick wife' and a 'brother in the toils of the law' were the principal causes of his being so 'hard up.' He always had a man who was anxious to be sent to the very place under consideration and who had offered to make him a loan of the amount he so much needed for a short time. Of course the applicant for the position 'saw the point,' and to obtain the favorable location offered to make the loan asked for. This settled the business. Wayson got his loan, for which he gave his note, and the creditor would be assigned to the district preferred by him.

"Special Examiner Conney had lived for twelve years in Baltimore. It was a violation of the law to assign him to duty in that city, but he owned property there, all his interests were in Baltimore, and he labored with Wayson to make the assignment. He did not labor, nor was Wayson labored with, in vain, for after obtaining a loan of $700 upon his individual note Wayson assigned Conney to the Baltimore district. By similar means Walter A. Brooks secured an assignment as special examiner in the District of Columbia. He holds Wayson's note for $450. Dr. McLain was assigned a location in Missouri near his home in Wyandotte, Kans. He holds Wayson's note for a round sum.

"Special Examiner Eager, after being well located, insisted that the loan made by him to Wayson should be repaid, and he has been called into the office and kept there in some disgrace for insisting that the money borrowed of him by Wayson should be repaid.

"Messrs. Myers and Eppert are two special examiners nicely located in Cincinnati. Each holds Wayson's note for large sums.

"Among others who were compelled to become bankers for Wayson's benefit is Capt. James Fitz, who has been located at Chicago, and Col. Frank Sprague, located at Philadelphia.

GENERAL RAUM IMPLICATED.

"But these are not all; the list of those who have loaned Wayson money in order to get favorable assignments in the field contains the names of over 50 special examiners. It is claimed that Wayson has loaned a considerable amount of the money that he has secured in the manner above indicated to the Commissioner and his son, Green B. Raum, jr. If this is true an exposure is sure to follow, for the facts as herein mentioned have been furnished Secretary Noble, and Mr. Wayson's career will be thoroughly gone into.

"Wayson was promoted twice under Gen. Black because 'he was an active and energetic young Democrat,' as indorsed by a leading Democrat of Baltimore. Wayson paid $40 into each of the Democratic and Republican campaign funds. Harrison was no sooner elected than Wayson began hedging in a rapid manner. Replying to an inquiry he said: 'No, we can't take that examiner from Kansas City. He wishes to remain there and we must let him, for he is not only a Republican but he is a contributing Republican.'

"This Wayson took a pleasure trip to Charleston, S. C., on the pretense of ascertaining whether a livery voucher for $1.50 was genuine. He stayed ten days, found out that the voucher was all right, but his trip cost the Government $126.50, $125 more than the voucher. This worked so well that he took a trip to Dakota on the pretense that there was no special examiner convenient to the party whose testimony was wanted.

"There were two examiners within 40 miles, but Wayson made the trip per diem and expense over $300, and it is now alleged that he did not go farther than Chicago. This is one of Raum's favorites, and he has had full sway since Theodore Smith was dismissed, previous to which time he was Smith's lieutenant. Since Smith's dismissal Wayson has ordered chiefs of sections to draw cases from the files for Smith's perusal in which Smith was not the attorney.

"So long as Wayson remains in the Pension Office Secretary Noble may look for developments of the most scandalous character."

MISS RAUSCH DENIES THAT SHE WANTS TO CHANGE HER TESTIMONY IN THE RAUM CASE.

Miss Rausch, the typewriter in the Pension Office, who, it has been alleged, wished to change her testimony given before the Raum investigating committee, tells me that the statement is without foundation. She says:

"I have never 'stated to two persons' nor 'written to another' that I was misunderstood in my testimony before that committee, or that I had 'written one thousand letters' for the 'District of Columbia Universal Refrigerating Company.'"

"I wrote one letter, as stated in my testimony; I know nothing of the District of Columbia Universal Refrigerating Company; I never 'worked for two months' on unofficial business for Gen. Raum; I have no knowledge of Gen. Bussey's connection with said company; in fact I deny *in toto* the assertion made that I wish in the slightest manner to modify or amend my testimony given before the committee."

I asked Miss Rausch if she had any suspicion why such a statement should be made. She replied that the only reason she could possibly assign was that she was a Democrat in sentiment, openly known to be such, and that the Republican element in the Bureau might be displeased with her retention, although she was in office in accordance with civil-service rules.

It is understood that she will be summoned to appear before the committee next Tuesday, and also Mrs. H. K. Hogan and Mr. P. B. Dickinson, who are named in one of the statements published as persons to whom Miss Rausch told the revised story.

By Mr. ENLOE:

Q. Those charges are criminal charges, are they not?—A. I don't know.

Q. Would you consider it would constitute a criminal charge if you

used your official influence for money; if you should sell it? Wouldn't that be criminal?—A. I suppose it would.

Q. Isn't that the thing with which you were charged afterwards in the New York Herald?—A. I suppose it was.

Q. Then you are under criminal charges by that article. You were charged with a crime by that article, and therefore criminal charges were against you which Gen. Busey demanded you should answer. I want to ask if you ever had any experience as a special examiner in the field investigating criminal charges against others?—A. Yes, sir.

Q. If criminal charges are preferred against an attorney for charging illegal fees or some applicant for swearing falsely, a special examiner is sent to inquire into those charges?—A. Yes, sir.

Q. Have you ever known an instance where a person charged with a crime in that way is charged with investigating himself?—A. Well, hardly.

Q. If you were under criminal charges, and you are charged with the business of looking up this matter you were charged with investigating yourself?—A. That is a conclusion you might draw; yes, sir.

Q. I want to get it in there because I think it is a great privilege to be allowed to investigate yourself. Did anybody else attempt to find out what knowledge these men had. They were advised in this communication what the charges were?—A. Yes, sir.

Q. Anybody else pay any attention to that correspondence except yourself? You submitted it to the chief, and it was sent out?—A. Yes, sir.

Q. Now ordinarily if you had a case of an attorney charged with a crime: For instance, suppose the Commissioner decided that Mr. Hersey here had been guilty of violating the rule of the Department, and he wanted to disbar him. Would he send Mr. Hersey around to examine the witnesses against him to find out what there was of truth or would he send Mr. Greenwalt or Mr. Lineaweaver?—A. That is a question the Commissioner could answer himself. But, in a great many instances, where attorneys are charged with matters of any kind they are first asked to state their side of the case before any inquiry is started at all.

Q. Wouldn't you consider it a very great favor to a man to have the opportunity you had here if charges were made against him instead of having somebody else make the investigation and learn the truth?—A. I had nothing to do with that inquiry. I simply did what I was directed to do. The Assistant Secretary and Commissioner could take any course they should wish. I complied with those orders and that is all I could do.

By the CHAIRMAN:

Q. Those matters are for the committee here to investigate.—A. The committee is the best judge of that.

Q. We think it is, too, and we want your information and your knowledge, and we want you on oath for the purpose of such investigation. We want to know whether you will state all your knowledge on that subject to this committee or whether you did?—A. Yes, sir; I did.

Q. Will you answer the questions in regard to these loans?—A. I will state, in answer to that question, or any other of a similar nature, that I never obtained, solicited, or received directly or indirectly any sum of money, large or small, for anything I have ever done in that office.

Q. You propose to preclude our investigation by that statement?—A. Yes, sir; or that is all the answer I can give you.

Q. That is all the answer you will give?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you know John W. Latourette?—A. Yes, sir.

Q. How long have you been acquainted with him?—A. Several years; I couldn't hardly answer that.

Q. Have you ever borrowed any money from him?—A. I decline to answer that question.

Q. Is not John W. Latourette the man who held the note indorsed by Brooks and Ellis to you; that is, they indorsed your note, and didn't Lataurette discount it and hold it?—A. I decline to answer that question.

Q. You state now that you were the acting chief of the special examiner's division?—A. No, sir; I didn't state that. I said I was assistant chief and acting assistant chief; first, acting assistant chief, and then assistant chief.

Q. Then, while you were holding that position and these men under you, I have asked you if you did not secure their indorsement upon notes to borrow money, and you still decline to answer that?—A. I do.

Q. Now I will ask you if, because I want to show the relevancy of this matter, I will ask you to look at that copy of that affidavit and ask you if you ever saw that before? [Hands paper to witness.]—A. I never saw it, sir.

Q. Never saw an affidavit like that?—A. Not that I know of. I don't recollect of ever having seen it.

Q. Do you know Theodore Wilson, who was a clerk in the Pension Office?—A. I can't say that I do. I knew a man who went by the name of Tug Wilson, who was special examiner at one time. I don't know whether his name was Theodore Wilson or what it was. I know a Wilson who was a special examiner at one time.

Q. Was your attention ever called to a money transaction between Wilson and Latourette as stated in this affidavit?—A. I don't recollect. If I had anything to do with it the record in the office will show.

Q. Didn't you take this affidavit.

By Mr. DUNCAN:

Q. How far would the records of the office show—if a verbal complaint was made to you and you made inquiry, would the records show that?—A. That is an impossibility. I wouldn't do such a thing without an order from my superior officer.

Q. You wouldn't pay any attention to a complaint unless in writing?—A. No, sir. I never have done that so far as my recollection will go.

By Mr. ENLOE:

Q. The man we are talking about is Tug Wilson. Now, I will ask you if Tug Wilson or Theodore Wilson didn't come before you and make this affidavit in December, 1890? If you didn't take that affidavit or sworn statement?—A. I took a deposition from Mr. Wilson; I don't know whether that is the copy or not.

Q. What was it about?—A. In relation to the pledging of a pension certificate. It was not taken on my own responsibility, but on somebody else's order.

Q. I ask if you took it?—A. I did take a deposition from him.

Q. Did that deposition allege that John W. Latourette had loaned him

$24 and held his pension certificate for it, and that he paid $12 every three months for the use of the $24 as interest on it?—A. I can't tell you the substance of the affidavit. It was in relation to the violation of section 4745 in pledging a pension certificate as security.

Q. Now, I will ask you if the reason why you took this affidavit was not that your attention had been called to it on November 30, 1890?—A. I am unable to give you the reason that it was taken. There were a great many of that kind of transactions. A great many of that kind.

Q. I will ask what you did with this affidavit when you took it?—A. I can't tell you that. I don't recollect what I did with it.

Q. Don't you know what you did with it?—A. No, sir.

Q. Didn't you take it and put it in your desk and keep it there?—A. Who?

Q. You.—A. I can't say.

Q. And never anything else done with it until it was taken out of your desk by somebody else?—A. You mean by that that I took that deposition and pigeonholed it?

Q. Yes, sir; until the matter was investigated and it was traced up and found in your desk, and it had been there for six months?—A. That is not true.

Q. Do you deny the affidavit was in your desk?—A. I don't deny that, but I do deny the statement that it was put in my desk and kept there.

Q. I will ask you if it did not remain there for six months and nothing done towards the prosecution of John W. Latourette on account of that?—A. I deny that, because it is not so, so far as I can recollect.

Q. Are you going to deny because you can't recollect?—A. What do you expect me to rely upon?

Q. The truth.—A. I don't recollect everything that has been done since I was acting as assistant chief of the special examination division. It is impossible.

Q. What was it your duty to do with that affidavit? What should you have done with it?—A. Turned it over to the acting chief of the division.

Q. For what?—A. Such action as might be deemed proper to take.

Q. Did you do it?—A. No, sir.

Q. Didn't you keep it six months?—A. No, sir.

Q. And it was then found in your desk?—A. Yes, sir.

Q. You swear to that positively?—A. Yes, sir, to the best of my recollection.

Q. Well, this man told you in his affidavit that Latourette was holding his pension certificate for a loan, didn't he?—A. The deposition will show; I can't recollect it.

By Judge PAYSON:

Q. Was that the substance of it?—A. The complaint was, he had borrowed money from Latourette on his pension certificate as collateral security. I don't know whether he paid $12 or $10 or $20.

By Mr. ENLOE:

Q. I ask you if he didn't in that affidavit say he borrowed money from Latourette on his pension certificate?—A. I stated that is my recollection.

Q. Isn't that a crime under section 4745 of the statutes of the United States?—A. Yes, sir.

Q. It is an indictable offense?—A. The Commissioner can do what he sees fit in regard to it.

Q. That is a fact, though, that it is an indictable offense and the law provides a penalty for it?—A. Yes, sir; but I want to tell you that there are thousands of cases of that kind.

Q. Was this the only case to which your attention was called?—A. No, sir; I think the matter was turned over to Mr. Taylor for investigation. I don't know how many cases we have, but a great many of that kind.

By Mr. DUNGAN:

Q. Where it was found that that had been done?—A. Not only Mr. Latourette, but two or three other brokers here. Mr. Taylor was employed on that for quite a while.

By Mr. ENLOE:

Q. Isn't it the duty of the special examiner's division to take action on that sort of thing and to protect the soldiers?—A. Not only their duty, but it is done in every case that I know anything about.

Q. Was it done in this case?—A. It was made the subject of quite a lengthy investigation.

Q. Mr. Taylor conducted it?—A. That is my impression that he did. I wouldn't swear he did.

Q. Can you give any reason why this affidavit if it was—now, I give you the benefit of your denial—if it was kept in your possession from December 1 to along in March, 1891, can you give any reason why it should be there in your possession for that length of time?—A. I don't believe any such thing occurred.

Q. I ask you now again if you were not at the time this article appeared in the New York Tribune, at the time this affidavit was made, in debt to Lataurette on notes indorsed by Pension Office employés under your control?—A. I told you before that I decline to answer any question touching my financial matters.

Q. I want to give you a chance to deny it or decline to answer it. Did you have anything to do with causing the arrest of Mr. Latourette, or do you know whether he was arrested?—A. I know as a matter of official record he was arrested.

Q. Did you have anything to do with bringing it about?—A. I can't say I had anything to do directly with it. I think Mr. Taylor told me several times as to what he was doing.

Q. While Mr. Taylor was making the investigation?—A. I can't say that he was making it for a fact.

Q. Latourette had the run of the Pension Office the same after he was indicted as before?—A. I don't understand what you mean by the run.

Q. I will ask you then if you don't know. You had been there quite awhile?—A. Yes, sir.

Q. You were there regularly during the time you were filling this position?—A. Yes, sir.

Q. I will ask you whether Lotaurette was in the habit of coming around about twice a month to collect his dues from the Pension Office employés?—A. I have seen him there a great many times, the same as other people.

Q. You didn't know his business there?—A. It is a subject of general knowledge in all the Departments that he is a money-lender.

Q. You didn't have any special knowledge of what his business was

there?—A. I have seen plenty of people paying him money there, some more than clerks in the office.

Q. Seen clerks in the office pay him money?—A. I have. I have no doubt of it.

Q. Pay him money yourself?—A. That is a matter of my own business. I have paid a great many others besides Mr. ——Anybody else.

Q. I will ask you then whether you missed him from the office after his arrest and indictment. You didn't miss him any, did you? He came around just as regularly afterwards as before?—A. As it was not my business to look after him I can't tell you anything in regard to that.

Q. If it was a part of his business to look after you, can you tell?—A. That may be a matter of your own idea. I will say this: Any person who I owed money to never got a cent by coming to me in the Pension Office. I could go to him and pay him or he could come to where I lived, to get his money. I have never refused to pay a dollar I owed yet.

Q. Wouldn't some of these men who have indorsed for you have trouble in getting it outside as well as inside?—A. I have not said anybody indorsed for me.

Q. I know you haven't, but I think we will show that you have had.—A. All right, sir; go ahead.

Q. I see you enter a denial in these papers here, and I would like to call your attention to it. You stated here, referring to statements that evidently had been made in this article, "that I am a Democrat is a willful and malicious perversion of the truth; that I am now and always have been a Republican is beyond doubt." Is that right?—A. Yes, sir.

Q. Did you have any indorsement showing that you were a "rising young Democrat from Maryland?"—A. I never heard of that.

Q. If there was any such paper in the Department you would have known it?—A. I don't know. I never looked over my personal file.

Q. You don't know how you were indorsed?—A. There is no indorsement in the Pension Office to my knowledge or at my solicitation that I am a Democrat. I have too many scars on my head to show that I am a Republican. Gen. Black knew I was a Republican, and Mr. Gantz and Capt. Fritts knew I was a Republican, and Mr. Browning, who was supposed to be a close friend to Gen. Black, knew I was a Republican.

Q. Did you have any indorsement from Judge Stockbridge when you were appointed?—A. No, sir.

Q. Under what circumstances did you sever your connection with him?—A. None at all, that I know of.

Q. Wasn't there a charge made against you, and he became convinced of the truth of it, that you had been guilty of larceny?—A. I never heard of it.

Q. Never heard Mr. Stockbridge severed your connection with his office on that account?—A. No sir.

Mr. ENLOE. I want to ask the committee to compel him to answer the questions which he has declined to answer.

By the CHAIRMAN:

Q. I want to ask him a few questions. You are drawing a salary under the Pension Bureau?—A. Yes, sir.

Q. At the present time?—A. Yes, sir.

Q. Are you receiving that salary from the public moneys provided for by Congress?—A. Yes, sir.

Q. As such officer charges were made against you of borrowing money from subordinates under you, were they not?—A. Yes, sir.

Q. That charge was investigated by the Pension Office, was it not?—A. In the manner I have stated there, sir.

Q. That was examined, was it not?—A. Yes, sir; in that way, that is the best I can give it.

Mr. DUNGAN. I would like to know if the witness says he was not examined in any other way?

A. That is all I know.

By the CHAIRMAN:

Q. Did you refuse in that investigation to answer any questions in regard to this matter?—A. No, sir.

Q. Did you disclose to the Bureau in that investigation all your knowledge of the facts of borrowing money from your subordinates?—A. I disclosed all my knowledge of the facts connected with that charge, and I have done so here.

Q. Do you now refuse to give this committee, investigating the Pension Bureau, answers to the same questions?—A. I have answered this committee everything so far as my official acts relate to the Pension Office. I will say I have never received or demanded any money, directly or indirectly, for any official acts in that office.

Q. And you propose to preclude any further investigation on that subject by that answer?—A. That is as far as I will go.

By Mr. ENLOE:

Q. Now, Mr. Wayson, I will ask you if it is true, as it is charged in this article, that you took a trip to Charleston, S. C., to ascertain whether a livery voucher was genuine and staid ten days and found that the voucher was correct, but cost the Government $126.50?—A. No, sir; that is not correct.

Q. Did you go there?—A. Yes, sir.

Q. What was your business there?—A. To investigate charges over there in connection with one of the special examiners.

Q. How many depositions did you take on that trip?—A. My report will show better than my memory.

Q. Were there any special examiners in that vicinity who could investigate that matter without your going from Washington to do it?—A. I couldn't answer that.

Q. There were special examiners nearer to Charleston than Washington?—A. Yes, sir; there is a man in Norfolk.

Q. And nearer than that, too, aren't there?—A. I don't know whether there was anybody in Nashville or not.

Q. I see it stated here that you took a trip to Dakota to take some proof out there. You took a deposition out there?—A. Yes, sir; I took several.

Q. Are there any special examiners nearer to Dakota than Washington City?—A. Yes, sir; some in Chicago, some in Colorado.

Q. None of them competent to take this testimony?—A. That is a question that I can not answer.

Q. That trip cost the Government something over $300?—A. I can't tell you that.

Q. I will ask you another thing—if you are not a particular friend of Theodore Smith?—A. Was I?

Q. Yes, sir.—A. Mr. Enloe, let me ask you a question, please. Why is it necessary that I should answer the question whether I am the friend of Smith, or Brown, or Jones, or any other man?

Q. I don't care whether you are his friend or not. You associated with him considerably.—A. He was acting chief when I was assistant chief.

Q. As such he had a great deal to do with assignments in the field?—A. He and the Commissioner had all to do with it.

Q. He and the Commissioner had it all to do?—A. Yes, sir.

Q. Wasn't there a special examiner at Charleston, the place where you went to take this deposition?—A. My impression is there was not, but the record will show. The record of the special examiners' division will show that.

Q. Mr. Theodore Smith, you say, had charge of these matters; and you don't want to state whether or not the relations between you and him were friendly?—A. I haven't the slightest objection to saying this, sir—not the slightest; our relations were friendly.

Q. Did Mr. Theodore Smith know anything about any financial arrangements you made with Pension Office employés under you?—A. I have no idea what Mr. Smith, knows, sir, at all.

Q. After Mr. Smith's dismissal did you furnish him with information from the files there which would be of benefit to him as an attorney practicing before the Department?—A. You mean improperly furnished him anything?

Q. I asked you whether you furnished him anything; you can decide whether properly or improperly.—A. No, sir.

Q. Suppose I say, then, properly?—A. I don't know that I ever furnished him any information.

Q. You don't recollect ever having done so?—A. Mr. Smith himself can answer that question, sir.

Mr. ENLOE. I think, Mr. Chairman, we might just as well settle this question now as any time as to whether or not people are going to answer proper questions.

The CHAIRMAN. I will suggest this course to the committee: That we report the matter to the House and ask that he be discharged from the Pension Bureau.

Mr. ENLOE. And add also, first, that he be compelled to answer questions.

The CHAIRMAN. I propose that the committee spread this record before the House and ask that he be discharged from the Pension Office. What do you say to that, Mr. Dungan?

Mr. DUNGAN. I think, taken in connection with these statements here, that the witness ought to answer the questions.

The CHAIRMAN (to Judge Payson). Do you want to make any statement in regard to this matter, judge?

Judge PAYSON. That is a matter for the committee to decide. I only appear for Gen. Raum.

The CHAIRMAN. Let it appear that the suggestion made by the chair is the unanimous order of the committee.

TESTIMONY OF JOHN M. WELTY.

JOHN M. WELTY sworn and examined:

By Mr. ENLOE:

Q. Are you acquainted with Mr. Geo. W. Wayson, jr?—A. Yes, sir.

Q. Are you acquainted with Mr. W. J. Brooks?—A. Yes, sir.

Q. Are you acquainted with Mr. Harvey Ellis?—A. I am.

Q. Do you know anything about Mr. W. J. Brooks and Mr. Harvey Ellis, or either of them, being indorsers on papers to Mr. Latourette for Mr. Wayson?—A. All I know about this, Mr. Ellis was up at Glens Falls, and he asked to be called into Washington.

Judge PAYSON. Glens Falls, N. Y.?—A. Yes, sir; for the purpose he he said of testifying in a suit which he thought would be brought against him as one of the indorsers on Mr. Wayson's note.

By Mr. ENLOE:

Q. On Mr. Wayson's note?—A. Yes, sir.

Q. Did he state who held the note?—A. No, sir.

Q. Did he state the amount of the note?—A. No, sir.

Q. That letter on file in the office there?—A. No, sir.

Q. What has become of the letter?—A. It was a private communication to me and I tore it up and threw it away. He couldn't be called in. It afterwards transpired that he was called to appear in Baltimore and he came down, so it was not necessary to call him in.

Q. It transpired that he was called to testify in Baltimore?—A. He was subpœnaed and came there from New York.

Judge PAYSON. You mean subpœnaed by the Government?

A. Yes, sir; subpœnaed by the United States district attorney in the Gariee case, I think.

By Mr. ENLOE:

Q. I want to ask if you have not found out since from conversation with Mr. Ellis, or any of the parties to whom that note was made payable?—A. No, sir.

Q. Never heard anything about that?—A. No, sir; I don't remember if I did.

Q. You never heard anything further from it than what came in that letter?—A. No, sir.

Q. Did you ever talk with Mr. Ellis since?—A. I may have talked with him when he came through here. I may have asked him what had become of it.

Q. Didn't he tell you who held the note?—A. My impression is it was some bank there in Baltimore. I think so. I think I got that impression from what I heard from Mr. Brooks.

Q. What time was that?—A. That was last summer sometime. I think early in the summer.

Q. Sometime last summer?—A. I believe about that time; but I am not positive about it.

Q. You don't know who else was on the note with Mr. Ellis, or whether anyone else was?—A. I heard that Brooks was.

Q. Who said so?—A. I don't know who said so; but that was common talk, it seems to me.

Q. But you don't know that fact to be so?—A. I think Brooks told me so himself, but I am not positive about that; but I believe he did.

TESTIMONY OF HARVEY G. ELLIS.

HARVEY G. ELLIS sworn and examined.

By Mr. ENLOE:

Q. Mr. Ellis, you may state to the committee whether or not you have been an indorser on a note or paper for Mr. Wayson; indorsed any notes for him or loaned him any money.—A. I respectfully decline

to answer that question. I consider it none of the committee's business.

Q. You consider it none of our business, eh?—A. It is my private affair entirely.

Q. You were in the Pension Office under Mr. Wayson?—A. Not now I am not.

Q. You have been?—A. I don't know as I was under him.

Q. Were you an examiner?—A. Yes, sir; a special examiner.

Q. Are you in the office now?—A. I am.

Q. What position do you hold?—A. Examiner on the desk.

Q. Did Mr. Wayson borrow any money of you; did you indorse for him or pay him any money while he was acting as assistant chief of that division?—A. While I was in the field?

Q. Before or after?—A. While I was in the division and he was there I loaned him $20; then I was in the law division.

Q. On the criminal desk?—A. Yes, sir.

Q. You loaned him $20?—Yes, sir.

Q. Did you indorse any note for him after that?—A. I decline to answer that.

Q. Why?—A. Because it is a matter of my own private affair.

Q. Wasn't the $20 you loaned him your own private affair?—A. Yes, sir; but you asked me about money, not notes.

Q. That is your own private affair?—A. Yes, sir; that is my idea of that.

Q. Why did you answer that and not the other?—A. You asked me that direct.

Q. I ask you this direct?—A. I decline to answer.

Q. What is the difference between loaning a man money out of your pocket or indorsing his note for him?—A. This was a good many years ago.

Q. How many years ago?—A. Four years ago at least, I think.

Q. At the time you loaned him the $20?—A. Yes, sir.

Q. The other was of a more recent transaction?—A. I didn't say anything about any other. I don't know what other recent you mean.

Q. The indorsement for him?—A. I don't know anything about that.

Q. If you did it was since that time?—A. That is my own private affair.

Q. Did you get called in here to liquidate that note?—A. I decline to answer.

Q. Do you recollect that letter?—A. I decline to answer. That is my private business.

Q. Wasn't that letter public?—A. I decline to answer anything in regard to that. Mr. Welty told you it was a private letter that I wrote him.

Q. You were asking for a public act, were you not?—A. No, sir.

The CHAIRMAN. How did you expect to be called in if not by a public act?

A. I could have taken a regular leave of absence if I wanted to.

Q. Did you write for the purpose of having an order made to bring you in?—A. I have no recollection of anything of that kind.

Q. You heard the testimony of the witness who just preceded you?—A. I wrote him a letter, but I don't know what it was.

Q. You heard his testimony?—A. I don't remember that.

Q. That you wanted to be called in for the purpose of testifying in relation to a suit which you thought would be pending against you?—A. I have forgotten anything there was in that letter.

Q. Have you forgotten that part of it?—A. Yes, sir.

Q. Do you say you have forgotten all about writing him to be called in?—A. Yes, sir.

Q. Have you forgotten what your object was in writing it?—A. No, sir.

Q. Was not the object in writing it to be called in on account of the suit?—A. I decline to answer that.

Mr. ENLOE. I think, Mr. Chairman, that this is another case about as strong as we could get it.

By the CHAIRMAN:

Q. You are still in the Pension Office?—A. Yes, sir.

Q. Drawing a salary from the Government?—A. Yes, sir.

Q. Do you think your conduct as a public officer is subject to an investigation by an officer?—A. Yes, sir; if I violate any rules.

Q. Do you think it a subject to be investigated by Congress?—A. I don't know as I have done anything to be investigated about.

Q. I asked you if you think it is a proper subject for Congress to investigate your conduct as a public official in the Pension Bureau?—A. In what respect.

Q. In any respect?—A. No, sir.

Q. You don't think it is the duty of Congress?—A. No, sir.

Q. Do you deny the authority of Congress to investigate you as a public official?—A. I do not.

Q. Will you state then whether you were indorser on a note for Mr. Wayson?—A. That is my own private affair.

Q. No public concern whatever?—A. No, sir.

Q. Do you think it is proper for a superior officer to be borrowing money from his subordinates or on the indorsement of his subordinates on his notes?—A. Sometimes they do.

Q. Do you think it is proper?—A. That I am not capable of answering.

Q. Don't you think a business of that kind if extended would have a tendency to prejudice the superior officer if this man's conduct should be inquired into?—A. That depends.

Q. Wouldn't it have that tendency?—A. It wouldn't if he was an honest, upright man.

Q. Wouldn't it to a man who is not upright?—A. I suppose it would.

Q. Are all the men upright in there?—A. I couldn't answer that.

Q. I supposed you could not.—A. No, sir.

Q. And for that very reason isn't it a proper matter that it should be investigated?—A. I suppose it is.

Q. Are you aware how much money is expended there?—A. No, sir; but it is an immense sum.

Q. It is the people's money?—A. Yes, sir.

Q. Don't you think the people have the right to look into and investigate these things?—A. If they do it on their own behalf.

Q. You recognize this as a regularly constituted committee?—A. Yes, sir.

Q. For that purpose?—A. Yes, sir.

Q. Do you think it is proper conduct for you to refuse to answer questions in regard to your conduct there?—A. I have not refused to give any testimony in relation to the Pension Office in the least.

Q. Are you presumed to be a judge?—A. I am so far as my private affairs are concerned, and no farther.

Q. If those private affairs are mixed up with public affairs you propose to preclude investigation?—A. Yes, sir.

By Mr. DUNGAN:

Q. Do you recollect where you were on duty in the fall or early winter of 1890?—A. I do not.

Q. You don't remember whether you were in the office or in the field?—A. I do not.

Q. Do you remember what division you were in in October, November, or December, 1890?—A. I had quit the law division and gone in the S. E. That is, I had gone into the special examining division.

Q. How near can you come to the time when you were sent into the field?—A. I was sent into the field immediately on the change of the administration. I think within two days after Mr. Tanner took charge. It was a very few days I know.

Q. You went into the field before Raum was Commissioner?—A. Yes, sir.

Q. Do you remember whether in the last three months of 1890 you were in the field, or were you sent to some other work?—A. If I recollect right, I was called in from the northern part of York State. I was located in Baltimore, I think it was.

Q. You were here a few days on your way?—A. Yes, sir.

Q. Did you regard that change as giving you better work or better pay; was it a better salary?—A. No, sir; it brought me nearer to my family.

Q. It was only more desirable for that reason?—A. Yes, sir.

Q. Without going into any details of it, because you refused to do that, because you refuse to answer that, did any of the transactions which you refused to answer Mr. Enloe about, take place about that time without stating what they were?—A. That I also decline to answer. I will state this for the benefit of the committee, that no transaction that I ever had with Mr. Wayson or any other official of the Pension Bureau ever benefited me in any way. If I ever accommodated a man it was pure friendship.

By Mr. ENLOE:

Q. Did it ever cost you anything?—A. Never cost me a cent.

Q. You knew Mr. Wayson was investigated for borrowing money from subordinates?—A. I was not here at that time; I was in York State.

Q. You are not one of the men named in that article as being an indorser?—A. No, sir.

Q. Did you ever hear the reason why all those named in that article didn't sign statements or affidavits acquitting Mr. Wayson?—A. I do not; I never made any inquiry about it.

Q. Ever hear the matter talked about much in the Pension Office?—A. The matter of borrowing money from subordinates?

Q. Yes, sir.—A. I didn't talk about it myself and didn't talk about it to anybody else, or hear anybody else talk about it.

Q. Never heard it talked about at all there?—A. I may have heard it, but didn't pay any attention to it.

The CHAIRMAN. I think the same order should be made in this case as in the other. Whatever I have said in the case is referring particularly to the witnesses, not to Gen. Raum, but only to these witnesses who have declined to answer.

By Mr. ENLOE:

Q. Do you claim that at the time that letter was written to Mr. Welty you were entitled to a leave?—A. I made no claim about it at all; I said

I could come in on a leave if I wanted to. I could have taken part of my annual leave at that time.

Q. Do you claim you had part of your annual leave due you then?—A. I couldn't tell you that; I have no recollection of it. No recollection of the time or the day the letter was written.

Q. If you got a leave and came in you would have to pay your own expenses, but if you were called in the Government would have to pay them?—A. Yes, sir.

TESTIMONY OF GEORGE W. M'ELFRESH.

GEORGE W. MCELFRESH sworn and examined:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. George W. McElfresh; I will be 52 years of age in July; am a messenger in the Pension Office; residence, 317 Massachusetts avenue NW.

Q. Mr. McElfresh, while you were acting as messenger in the Pension Office, about the time there was a prosecution started against Mr. John W. Latourette, were you set to watch Latourette's movements in order to get evidence in addition to what the office had?—A. No, sir.

Q. Didn't have any such assignment?—A. No, sir.

Q. Did you do anything of that sort?—A. Col. Butterfield, in charge of the special examination division, sent me to watch a colored man.

Q. What is his name?—A. I can't tell you. He is a broker.

Q. Was his name Lemar?—A. I think it is.

Q. Do you know whether Lemar was arrested and indicted?—A. I understood so, but of my own personal knowledge I know nothing about it.

Q. Did you report any observation you made in regard to Lemar?—A. I did.

Q. Did you assist in furnishing the evidence on which he was indicted?—A. Only so far——

Q. Were you not on the 4th of March, 1891, told to watch the movements of Latourette and report what you observed in regard to his movements?—A. Never was told to do that.

Q. Never have anything to do with Mr. Latourette?—A. Not in that connection.

Q. Did you ever borrow money from him?—A. Yes, sir.

Q. Were you indebted to him at that time?—A. No, sir, but I am now for a small amount.

Q. Didn't you report on that day you saw Capt. Cook, who is a Pension Office employé, and whose pension certificates he held, that you saw him go in Latourette's office?—A. No, sir; this whole transaction happened across from our office, on Fourth and F streets.

Q. You were on the corner, watching?—A. Near the corner.

Q. Don't you recollect you reported you saw him going into his office?—A. No, sir.

Q. What did you report about Capt. Cook?—A. I don't think I reported anything about Capt. Cook. I think I told Col. Butterfield that I saw this colored man, Lemar, getting certificates from some parties on the corner.

Q. Didn't you tell Mr. Taylor you saw Cook go into Latourette's office?—A. I don't remember.

Q. Wasn't Mr. Taylor watching Latourette's movements?—A. I heard

so, and I told Col. Butterfield if I had known that I wouldn't have gone with Mr. Taylor.

Q. Why wouldn't you have acted with Mr. Taylor?—A. Because he had taken a dislike to me, and I didn't love him. Did not care about having any transactions with him.

Q. It was voluntary service on your part. You didn't do it because you were compelled to?—A. I guess I was compelled to. I was a messenger, and the chief told me to go and do it.

Q. If the chief told you to go and watch Mr. Latourette and if you knew Mr. Taylor was on that business, you would not have gone?—A. No, sir.

Q. You were quite independent on that matter?—A. Only in such matters as I would be justified.

Q. What business were you in before you went in the Pension Office?—A. In the detective business.

Q. Were you ever on the police force?—A. Yes, sir.

Q. How did you sever your connection with that police force?—A. Legislated out of office by an act of Congress.

Q. Any charges preferred against you?—A. Yes, sir.

Q. What were the charges?—A. Indictments against me.

Q. What were they?—A. Every crime known on the calendar, I think, and duplicates of some of them. One case was tried in court on one indictment, and the jury acquitted me without leaving their seats, and the balance were nolle prossed in regard to the whole detective force.

Q. Did you perform any detective services for Mr. Green B. Raum, jr., in the way of watching the movements of Pension Office employés?—A. No, sir.

Q. Did you make any report to him?—A. No, sir.

Q. Did you perform any services for the Commissioner and report to him?—A. No, sir.

Q. Never told him?—A. No, sir.

Q. Did you have any conversation with the district attorney here about the charges Judge Chandler had made against Green B. Raum, jr.?—A. I never had any conversation with any of them, so that covers it all.

Q. You didn't undertake, then, to inquire into the charges relating to Green B. Raum, jr.?—A. No, sir.

Q. You never had any connection with it whatever?—A. No, sir.

Q. Have you a brother with side whiskers who looks like you?—A. I have no brother living. I had a brother who looks something like me, but he has been dead three years last November.

Q. Is there any McElfresh around here who wears side whiskers and looks like you?—A. I am the only one living except a half-brother, and he is 65 years old.

Q. Is he a detective?—A. No; he is a mechanic. I have some nephews; several of them. None of them look like me, though. They are not so good-looking.

Q. Did you ever make any observations about the movements of Pension Office clerks and report to anybody on that subject?—A. I am in the habit of going to the Grand Army headquarters almost every night in the week all during the whole year, and almost always go into Willard's Hotel before I go there; and a party met me on the street and said: "If you see anything that will be of benefit to the general in this investigation let me know," and I said I would.

Q. Who was that party, Mr. Lineaweaver?—A. Yes, sir.

Q. That was the former investigation?—A. That was a year ago about this month.

Q. The time they were investigating the newspaper correspondents here?—A. Yes, sir.

Q. Did you report any of your investigations to Mr. Lineaweaver?—A. I told him I saw a number of pension clerks in Willard's Hotel together having a private conversation with Mr. Fleming.

Q. You understood from Mr. Lineaweaver that the general wanted this information?—A. He didn't say anything about that.

Q. You thought he wanted it didn't you?

Judge PAYSON. What he said would be competent.

A. I didn't express my thought.

Mr. ENLOE. It is not necessary that he should answer that any way. We have got that in the record without him.

Thereupon the committee takes a recess until 1 o'clock.

AFTER RECESS.

STATEMENT OF W. H. BARKER.

W. H. BARKER appeared before the committee and made the following statement:

Gentlemen of the committee, I would like to make a statement. The press yesterday contained statements relative to the testimony given before this committee by James W. Donahue. He stated, or the press stated, that I had been arrested upon a note that I had given to Mr. Morse, and I want to state here that I was never arrested or served with a warrant in the city of Washington, never owed Mr. Donahue a dollar in my life. If he indorsed for me it was without my knowledge. I asked him to loan me some money, and he went to Mr. Morse and got the money. I never knew he indorsed the note at all. I never had any notice served on me in regard to the note. I want to say further that Mr. Donahue was reduced by Gen. Raum after I had been in the office two months, and I afterward made Mr. Donahue a section chief after my division got to be 400 people. A section chief gets no more salary than a clerk. He only has charge of a number of people who are under him. He looks over a little room like this, with about 20 or 30 persons working in it.

There was no reduction in any sense of the word. His salary was reduced when I had been in office about four months, upon Mr. Raum's request that I reduce some clerk, as he wanted a medical examiner to have the salary, and he asked me if Mr. Donahue could not be reduced and I made no objection, upon his promise that he could be reinstated as soon as there was a vacancy, but no vacancy occurred while I was in the division. There was one more thing in my testimony that I said on the stand about the telephoning communication that was had between Mr. Ford and Mr. Dudley. I never said anything about Mr. Ford having telephoned to Mr. Dudley, giving him information in regard to cases. I said that Mr. Engle brought it to my attention that Mr. Ford was using the telephone during office hours, and I brought up the old order in regard to the use of the telephone during office hours and had it discontinued.

By Mr. ENLOE:

Q. I would like to ask if any person came over from New York to see you before you went on the stand, alleging that they had been informed that you were going to testify against Mr. Dudley?—A. No, sir.

Q. Didn't you, in the presence of several gentlemen, and myself among the number upstairs, state that some one had come over to see you?—A. I said this, Mr. Enloe; it had been communicated by some gentlemen that I was going to testify in regard to Mr. Ford having communication with papers, and so forth, with Mr. Dudley, and I said not a word had been said in regard to that except what had been said by somebody else, and it had been carried out to somebody that I had said it. I was asked if I were going to testify in regard to anything of that sort and I said that I was not. I did say that.

Q. Who is the gentleman you spoke of as having come from New York?—A. A gentleman came to my house and spent the evening with me. I had taken dinner with him at the Chamberlain.

Q. You took dinner with him there?—A. Yes, sir.

Q. Who was the gentleman?—A. Mr. Coombs, of New York.

Mr. LITTLE. You mean New York or Brooklyn?

A. New York. He is not a member of Congress. He is here every week or two. Mr. Coombs, the Congressman, is a man from Brooklyn.

By Mr. ENLOE:

Q. It is not Mr. Coombs from Brooklyn?—A. No, sir; from New York.

Q. What are his initials?—A. W. C.

Q. What business is he engaged in?—A. A lawyer. He casually heard the same statement on the street what I have stated to you here.

Q. And he asked you if you were going to testify about it?—A. No, sir.

Q. Did he tell you he understood you were?—A. He said he heard rumors on the street that I had been summoned before this investigation, and some one said that you had said that I had said that I was going to do so and so and say so and so. I told him that that was untrue, that I knew nothing about it. I never heard of such a thing in my life. It is just as I testified about that.

By Mr. DUNGAN:

Q. You mean to say, or at least I understood you, that until that suit was brought on the note you didn't know that Donahue was the indorser of it at all?—A. No, sir; Mr. Donahue went to Mr. Morse. I went to Mr. Donahue and asked him to loan me the money and he went away and came back again and said for me to sign the note. The note was brought to me in blank by Mr. Donahue and I signed it. There was no indorser on it and he took it away.

Q. There had been nothing said asking him for an indorsement?—A. No, sir; he said he had secured the money and he immediately went back with the note to Mr. Morse and came back and handed me the $50, the money I had asked for. I never knew Mr. Morse had asked Mr. Donahue to indorse the note at all.

Q. Which note was that?—A. There was only one note, sir. The second note, when the note matured and I didn't pay it, I renewed it, gave it to Mr. Donahue, and I renewed the second note and handed it to him. If he indorsed it, he indorsed it at his own option. I was chief of the division and Mr. Donahue was reduced long before. The reducing from section chief is nothing more than lowering in position, though. There was no less salary attached to it at all.

By Mr. ENLOE:

Q. Did you borrow money from any other parties during the time you were there?—A. Yes, sir.

Q. While you were chief?—A. Yes, sir; I borrowed money from Mrs. Fithian. I kept back nothing, sir; I told the whole matter before when I was on the stand. I have never been indicted for perjury or forgery as Mr. Donahue has been, and I told you the whole truth about this matter before.

Q. Do you know anything about Mr. Donahue being tried or convicted on the charge that he was arrested for?—A. He was tried.

Q. Convicted?—A. No; through a technicality he escaped.

Q. Did the jury acquit him?—A. I believe they did. The papers will show for themselves. I have not read them. I got them from the district attorney's office.

Q. Mr. Donahue says he would like to see the papers, if you have them.—A. They were filed in the Commissioner's room, and I got a portion of them.

Q. Have you got them with you?—A. Yes, sir.

Q. Let me see them?—A. Yes, sir; I will let you see them.

Q. Have you got them in your pocket?—A. No, sir; I have not. Mr. Kelly furnished them to me. They were the papers given on the trial when Mr. Donahue was before Gen. Raum and Gen. Bussey.

Q. Where are the papers now?—A. I think they are in a bundle of papers I have in the house, and I will produce them. I had to pay to get them from the district attorney's office.

Mr. DUNGAN. They are a transcript?

A. Yes, sir. If Mr. Enloe will get those papers, the investigation taken by Gen. Bussey by the stenographer's notes, he will find out all about it.

Mr. ENLOE. I have been trying to get them.

Mr. LINEAWEAVER. I have those papers here; the original papers taken at the time; the stenographer's notes taken at the time.

The CHAIRMAN. Mr. Little, this forenoon you were absent and no quorum of the committee being present. At that time one Wayson was on the stand and also a man by the name of Ellis was on the stand in regard to whether they had borrowed money on the indorsements of their subordinates in the office; that Wayson had done so, and there was some evidence tending to show that he had been investigated on those charges by the Pension Bureau by himself, and we tried to investigate the matter here this morning, and the witness refused to testify as to whether he had any such loans or anything of the kind or in anything connected with any such transactions. There was no majority of the committee here, but a resolution was passed to the effect that this testimony be reported to the House about both of their refusals and that a recommendation be made that a resolution be passed by the House asking Gen. Raum to dismiss them both from public service.

Judge PAYSON. That resolution should go to the Secretary, as he is the one who has the power.

The CHAIRMAN. All right, and then we will have the resolution read to the Secretary instead of the Commissioner of Pensions.

Mr. LITTLE. I would like to have it appear on the record why I was not present this morning at the beginning of this session. I have never missed a session of the committee since it began, unless excused by the chairman, until this morning, and this morning I had no notice of this meeting, not being here on Saturday, and came over from New York last night expecting there would be a meeting, and I waited around until about noon and had no notice of this meeting until a few moments ago. In regard to the question of Wayson and the other gentleman not answering the questions, it seems to me entirely proper and it meets my approval exactly.

Mr. ENLOE. And I want it added to the resolution that the House pass an additional resolution in connection with it compelling Wayson and Ellis both to testify in addition to the action taken this morning.

TESTIMONY OF F. M. TAYLOR.

F. M. TAYLOR, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. F. M. Taylor; residence, Washington, D. C.; occupation, clerk; my age is 48 years.

Q. Have you been employed in the Pension Office?—A. I was employed in the Pension Office from October 19, 1881, to the 16th day of November, 1891.

Q. From 1881 to 1891?—A. Yes, sir. Two years of the time in the office as examiner at the desk, and the remaining time as special examiner in the field.

Q. What were the circumstances under which you severed your connection with the Pension Office?—A. I resigned at the request of the Secretary, I was told. I had taken a leave of absence on the 15th or 16th of October to go to Pottsville, Pa., and I left here in the morning and when I got to Pottsville I was met at the train by my wife with a telegram for me to return immediately to Washington by direction of the Secretary. I came back the next morning; got here at 2 o'clock. The telegram was signed by Gen. Bussey. I went to see Gen. Bussey and asked him what he wanted, and he said the Secretary would like to have my resignation.

Q. Did you find out what the reason was he wanted your resignation?—A. I told him I would like to see the Secretary, and he said he didn't think the Secretary would see me. Whenever he had any disagreeable work to perform he generally gave it to him to do, and I concluded he had given it to a good man to look after; and then he told me he said he didn't know of any charges against me excepting those that appeared in the Evening Star, which had an article in it in which it was stated that the Commissioner had demanded the removal of Engle, Howard, and Taylor. I told him I supposed the blood of the martyr was the seed of the church, and if my blood would purify the ranch they could have it. I wrote out my resignation to take effect the 16th of November, thirty days afterwards, and I wrote a letter accompanying it stating why I had done so, and then I went back to Pottsville.

Q. Was your resignation accepted then?—A. Yes, sir; then and there, and the thirty days' leave made out and given to me.

Q. Did you make any effort afterwards to find out the reason of your resignation being demanded?—A. I concluded after a short time that I would like to know what had caused the Secretary to change his mind in regard to the matter, as he had reappointed me over the recommendation of Gen. Raum, on the 30th of June previous.

Judge PAYSON. Over the objection of the Commissioner?

A. Yes, sir; and I went to see him and sent in my card and he said he was too busy to see me. A short time afterwards I wrote him a letter in which I stated I had made frequent efforts to get to see him, but could not, and I didn't wish to annoy him, but I would like to know what had caused him to change his mind; that I did not desire and

could not accept any position under the present Commissioner of Pensions, and I did not want him to understand that I was looking for a position under the Government, but I thought it was due to me for him to let me know if there were any charges against me, and that I might be given an opportunity to answer them. In about a week I received a letter in reply saying there were no charges there against my character, but my usefulness over there had become impaired. That was the sum and substance of the letter, and I have never seen him since.

Q. What had you done to justify this?—A. It was published in the Star that I had been connected with Howard and Engle to establish charges against Green B. Raum, jr., but I did not know anything about it.

Q. What was the beginning of your trouble with the Commissioner? Where did that originate?—A. That originated through my report in regard to Theodore Smith, who was chief of the special examination division, in which I was employed.

Q. State how that came about?—A. I was investigating the case of an old soldier of the regular Army, and taking the testimony of one of his comrades, and when I got through he asked me if Theodore Smith was in the office yet; and I said yes, what do you know about him? And he said he used to be in my regiment, but that he didn't go by that name there; and he told me he had served in Company I of the Nineteenth Infantry, and Smith was orderly sergeant of the company, but went by the name of Davis, and while orderly sergeant he deserted with the washerwoman of the company, and that he was arrested and taken back to New Orleans, where he deserted from, in irons; but he was finally tried and sentenced; and I thought the Commissioner ought to have that information.

Q. What position did Smith hold then?—A. Chief of the special examiner division, the most important division there. I went to the Commissioner's house that night and told the Commissioner I would like to see him. He was engaged with some gentlemen, and I said I would like to see him for a few minutes; he said he would see me in the morning. And I said, "No, you can't on this matter," and he excused himself and went into these gentlemen and excused himself to them and said he would give me fifteen minutes. And I said, "General, the reason I didn't want to talk to you in the office was, because the information I am going to give you would get to Smith in fifteen minutes after it was told you," and he said, "What do you mean?" and I said, your private secretary and the private secretary of Green B. Raum, jr, Mr. Lineaweaver, would give it to him that quick. He said, "What is the matter?" and I told him what I knew, and said, "Don't you think you ought to know this," and asked him if he thought the men in that office would care to serve under such a man, and if he didn't think so. He said he did think so, and I said, "If this is true, it is a matter of record in the War Department." Gen. Raum didn't appear to take as much interest in it as I thought he ought to and I concluded he would not go to the trouble of getting it, so the next day I went up to the Judge-Advocate's office and asked to see the papers in the court-martial proceedings of Davis and Ruhl. It was his wife that Smith deserted with. They got me the papers and I sat down and copied them, and that night I took them to Gen. Raum's house and left them.

It ran along for about two months and no action was taken, and one evening I went up to see the Secretary at his house and laid the whole matter before him, and told him I had given the information to Gen. Raum before; it took me about an hour, and I apologized to him for taking up so much of his time, and he said, "You need not; it is time well

spent, and I am under obligations to you for it." He said, "I would like to have a copy of those charges," and I got a type written copy of the papers I had obtained from the Judge Advocate General's office and delivered them to him. In a few days after that Mr. Smith was relieved of his duty in the Pension Office. Secretary Noble told me Gen. Raum had been over to see him that afternoon about it and pleaded for the man. From that time on Gen. Raum didn't appear to appreciate my services. I applied subsequently for a promotion to $1,600——

Q. I will ask you before you leave that if you knew what became of the charges filed against Smith and the result of them?—A. Why, Mr. Smith was discharged from the office.

The CHAIRMAN. After you had this interview with Secretary Noble?—A. Yes, sir, a few days after that. In a short time after that I applied for promotion to $1,600. There was quite a number of promotions to be made under a law providing for an increase of the force of the clerks and I thought I was entitled to one, and I applied, and he said he thought $1,400 with a per diem besides was all a special examiner should have, and the matter ran on and I finally concluded to give up any idea of promotion. A few days after, I saw that he had promoted Mr. Brooks, a special examiner, to $1,600 after what he had just said. I saw the Secretary about it and told him the circumstances. He said, "That is a violation of the civil-service rules." He said "You are a soldier and Mr. Brooks is not." I said I didn't look upon it in that way, but I didn't like to be turned down on account of having done my duty in the Smith matter, and he said he thought it was on that account, so the Secretary told me to come around to the office on Monday and he would fix it up.

And on Monday morning he appointed me to $1,600 and revoked the appointment of Walter J. Brooks. I had nothing against Mr. Brooks at all. He had a perfect right to ask for a promotion, but he got in the way of the cart and got run over. I was only allowed to keep that promotion twenty days. There were some 16 or more examiners in the field who were getting a salary above $1,400 and they finally concluded to cut all of those men down to $1,400, and sent them out word that they could either come in at their present salary and surrender their per diem and go to work as clerks in the office or remain in the field at $1,400, and under that I was reduced to $1,400. That held for a few days and then they began sending them out at $1,600 and in that way got my scalp and were satisfied.

Mr. LITTLE. Sending out the same men?

A. No, sir, others.

Mr. ENLOE. If Mr. Ford is here we will examine him and let Mr. Taylor step aside for a few minutes.

TESTIMONY OF WILLIAM T. FORD.

WILLIAM T. FORD, being duly sworn, testified as follows:

Examined by Mr. ENLOE:

Q. Mr. Ford, state your name, age, residence, and occupation.—A. William T. Ford; was born on the 2d of July, 1837, and am now employed in the Pension Office as assistant chief of the record division.

Q. How long have you been employed in the Pension Office?—A. The roster says I was appointed on the 1st day of August, 1848. I think it should be 1849, but the roster says 1848; but I think it should be the 1st of August, 1849.

By Mr. DUNGAN:

Q. You were not in the Pension Office forty years ago?—A I was in the Department of the Interior since the 1st day of August, 1848; so the roster states it. I think it should be 1st of August, 1849. I am the oldest one in the Department; that is, in the length of service.

By Mr. ENLOE:

Q. Mr. Ford, you will examine that paper and state whether or not you made such an affidavit as that [hands paper to witness].—A. Yes, sir; that is true.

Q. Did you make this affidavit and swear to it?—A. I couldn't say that I did swear to it, but I made that statement.

Q. You made that statement?—A. Yes, sir. I am not ready to swear in my own mind as to whether it was sworn to or not. The statement I made just as it is there.

Q. In as important a matter as that you ought to know whether you swore to it or not.—A. I know it was drawn up in the form of an affidavit.

Q. Who drew up that affidavit, Mr. Ford?—A. The gentleman is in the room now.

Q. Mr. Lineaweaver?—A. Yes, sir.

Q. Mr. Lineaweaver drew it up?—A. Yes, sir; that is just why I hesitate; I don't know whether he is a notary public or not; I am not sure; I can't remember whether it was sworn to or not.

Q. If you didn't swear to it before Mr. Lineaweaver, you didn't swear to it at all?—A. There was no one present but Mr. Lineaweaver and Gen. Raum. It seems to be worded exactly right.

Q. There were no others present except you, Mr. Lineaweaver, and Gen. Raum?—A. That is my memory of it, sir. Certainly no one heard our conversation. I think no one else was present.

Q. If you didn't swear to it, then, before Mr. Lineaweaver, you didn't swear to it at all?—A. I have no recollection of swearing to it, sir, and I have no desire to avoid the question.

Q. How came you to make that affidavit?—A. Of my own free will and accord, superinduced by surrounding circumstances.

Q. What were those?—A. General disposition that I, a civilian, should be retained in office and a poor one armed soldier is not, and that was carried on so strongly, sir, that I was finally called upon to defend myself against these people who were attacking me so because I was a civilian.

Q. You had some feeling, then, against Mr. Engle?—A. Not strong enough to make me tell an untruth.

Q. Didn't you have some feelings towards him, under the surrounding circumstances to which you allude?—A. To a great degree, yes, sir.

Q. You knew that Mr. Engle was connected in a controversy with Commissioner Raum, or that Commissioner Raum was seeking to have Mr. Engle removed?—A. I will say, sir, that that has no bearing on it whatever.

Q. Don't anticipate my questions. Just answer them as they are put to you.—A. Of course I must have known.

Q. Did you go to the Commissioner's room when this was drawn up?—A. I don't know, sir. I don't know whether it was sworn to or not.

Q. You don't know whether he sent for you?—A. I don't, sir. I have frequently gone to the Commissioner's room without being sent for.

Q. Did the Commissioner tell you at that time that he was looking up evidence against Mr. Engle, and call upon you to make this statement?—A. No, sir; he did not tell me anything about that matter at all.

Q. Did you just walk into the Commissioner and say to the Commissioner that you knew he was engaged in a controversy with Mr. Engle and you wanted to furnish him with some information?—A. No, sir.

Q. Please tell how it occurred then?—A. The substance of it was about like this: I knew that Mr. Engle was fighting the Commissioner, and I also knew that I had no particular reason to think the Commissioner was a friend of mine, as he was the only man who had ever reduced me in grade in the office; not on any account of a feeling towards me, however. I had no particular feeling towards the Commissioner, except that he was my superior officer. I did not love him and I did not dislike him. How it came about I can not tell you, sir; but my voluntary statement is there, sir.

Q. Did you visit him there with the object of making that statement?—A. I am not sure as to that; but I made the statement of my own free will, and it was not drawn out by the Commissioner. I would not have allowed him to draw it out.

Q. You don't remember the conversation?—A. I don't remember it enough to give it. I can give the substance, what the general idea was. When Mr. Engle was reinstated, as he had a family on his hands (and in that relation I am with him, I have the same) and being a one-armed soldier; and from what I have said here, I want it understood that no one sympathizes with the soldiers any more than I do. I approached him when in conversation with a man by the name of McCarty, and I said "Ned, I am glad you are back," and he spoke in a way that meant he did not believe me; but I said "I am very sorry that you were so unmanly to say that I had anything to do with your dismissal; it was your own damn silly tongue and actions that caused your dismissal." I had no ill feeling towards Mr. Engle.

By Mr. DUNGAN:

Q. At the time you told him you were glad he was reinstated you had the same knowledge in regard to that statement?—A. Yes, sir; but I was glad he was reinstated for the reason I told you, because he had a family and he was a one-armed man.

By Mr. ENLOE:

Q. Tell the conversation with the Commissioner.—A. In the conversation with the Commissioner, what was said it is impossible for me to remember, but it was something of the nature of what was going on and the fight that was then on. I had been worked up to this state of feeling by Mr. Engle's resenting my feelings of kindness, and I stated to the Commissioner just what this paper states, because it was true. It was not pumped out of Mr. Engle; it was voluntarily loaded upon me by Mr. Engle.

Q. I have not found out yet whether the conversation began by the Commissioner asking you or whether you voluntarily told him about it.—A. I can not say, but I believe it came up in a general way. I think it came up in a casual conversation on the subject. That statement was made voluntarily, not drawn out by the Commissioner at all.

Q. You state that the allegations contained in this statement are true?—A. I state that Mr. Engle told me so, sir.

Q. Did he tell you the name of the woman?—A. He did, sir.

Q. Let us have her name?—A. Well, Mr. Chairman, I don't see how

it is going to serve the ends of justice; but while you are probably the better and proper judge, I can see no good to be accomplished by publishing her name, and I would rather not give it, sir, with a very due respect to this committee.

Q. Is that lady still in the employ of the Pension Bureau?—A. She is, sir.

By Mr. DUNGAN:

Q. Was her name given to the Commissioner, although not contained in the statement?—A. I decline to answer that, sir.

Q. Not for the purpose of putting it in the record for publication; at the time that statement was made whether her name was mentioned in that conversation?—A. With all due respect, wouldn't you rather ask the Commissioner in regard to that?

Q. He has already been asked and said he didn't want to hear it.

Mr. ENLOE. Did you tell the Commissioner her name that day?—A. I did, sir.

Q. Will you furnish this committee her name?—A. Will I?

Q. Yes, sir.—A. I will not unless forced to do it, and I am not here to browbeat you in any way and do not mean to be impertinent.

Q. I understand that. Now here is the point, Mr. Ford, you want to be a perfectly candid witness here, don't you?—A. Yes, sir.

Q. Will you furnish the name of that woman to this committee? Not to put the woman's name in this record nor in the newspapers. I ask you if you are willing to tell this committee in secret session and allow them to know this woman's name?—A. If I would be allowed to take counsel I would rather take counsel on that question, sir; you have no objection to that, have you?

The CHAIRMAN. If you want to take counsel you may do so.—A. All right, then.

The CHAIRMAN. That is due to everybody.—A. I have no wish to be disrespectful in any way.

By Mr. ENLOE:

Q. Have you talked with anybody else about the circumstances under which you made this affidavit?—A. I think not; no, sir; not to the best of my recollection.

Q. Did you talk to Mr. Donahue about it?—A. Not definitely; I may have said something vaguely to him on the subject, but had no definite conversation with him about it.

Q. What have you said to Mr. Donahue about it?—A. I don't know that I have talked with him at all until to-day. To-day I said I would not divulge this lady's name, unless it was in self-defense, unless they undertook to smear my character, and in that case I might be compelled to do what I would not otherwise do. I might do it in self-defense, but not in any other way.

Q. Did you talk to him about it yesterday or the day before?—A. Not yesterday; no, sir.

Q. Did you meet him yesterday?—A. Yes, sir.

Q. Did you talk to him about it?—A. No, sir. I don't think so; I don't remember any definite conversation.

Q. I will ask you if you made this remark, that you made this affidavit and furnished it to the Commissioner at his suggestion?—A. If I said so, sir, I said that which was not true, to the best of my knowledge and belief. I don't remember of his ordering me or anything of that kind at all.

Q. Didn't you express yourself as very much distressed that this

matter had been the subject of investigation here?—A. No, sir; not at all. Of course I may have said it was an exceedingly unpleasant thing to be brought on the stand about it; nothing to be avoided except the natural unpleasantness of such a discussion.

Q. Didn't you tell him you didn't know who this woman was?—A. Told whom?

Q. Mr. Donahue?—A. No, sir, I didn't tell him that, because that would be utterly false, and I am not a man to tell a falsehood.

Q. You didn't deny then to him in any conversation the truth of the statement made therein?—A. No, sir, I couldn't have done so; I couldn't deny that without lying, and I am not a man to lie, sir.

Q. Where did you reside during the war?—A. I resided during the war all of the time at 1108 Virginia avenue, SW., in this city.

Q. You were not in the United States military?—A. I was not, sir, except in a——

Q. How many members of your family are now in the employ of the Government in this city?—A. I have one nephew in the Department of the Interior.

Q. Any others?—A. There is one other.

Q. Whereabouts?—A. In the Pension Office temporarily.

Q. Who is that?—A. My daughter.

Q. That is all?—A. That is all, sir, that I know of.

Q. When were you first appointed chief of the record division?—A. I couldn't give you the date exactly, sir. I was appointed since it was established at the time that Col. Dudley was Commissioner. We had no record division before that time, and not until some little time after that. When the division was established I was made its chief.

Q. What class were you in before that?—A. I was a $1,400 clerk when Gen. Garfield was elected President. I was afterwards promoted.

Q. What character of services were you performing at that time?—A. The certificate division of the Pension Office.

Q. Whose influence was it you received?—A. Nobody, except the Commissioner himself.

Q. The Commissioner was Col. W. W. Dudley?—A. Yes, sir; he and I were old personal and warm friends.

Q. Who was your assistant?—A. When I went in, made chief and went in, I took with me a man by the name of Fuller, who was a $1,200 clerk. At his earnest solicitation I took him with me. In fact, I recommended that he be appointed chief, because he was a soldier and knew all about it, and I didn't. Col. Dudley said, am I your superior, and I said, yes, sir; and he said, I order you to take charge of the division and run it in the opposite direction to what it has been run, and you will be all right.

Q. Was your knowledge extensive in that line?—A. No, sir; I had never been in the adjudicating division and knew nothing about it except what one picks up in a general way.

Q. You knew nothing about it, about what calls would be necessary to adjudicate a claim?—A. I did not, Mr. Enloe; I had never been in that branch of the service at all.

Q. Have you ever been arrested for cursing and swearing at and abusing old soldiers; had charges preferred against you for speaking disrespectfully of the disabled soldiers in the Pension Office?—A. I have never had any such thing happen to me; that is altogether wrong and I wish to state——

Q. Please answer my question?—A. Well, Mr. Enloe, please don't misjudge me. Let me tell enough to justify myself.

Q. Answer then this question, have you ever been arrested for abusing the old soldiers?—A. I was arrested for cursing a man who was a soldier, but not because he was a soldier. It was an entirely different matter, and I went into the police court and defended myself and had the case go against the man and the costs thrown upon him.

Mr. LIND. How long ago was that about?—A. I really can't tell you, sir; it seems to me it is six years. I know one of his statements was that I was sitting in the Smithsonian grounds with two ladies, and those two ladies were my daughters, and I went in and tried the case myself, and the judge dismissed the case.

Q. Didn't you abuse him because you thought he was acting as a spy on your movements in regard to women?—A. No, sir; I dismissed him because he abused me when I went to the trouble of advancing him along and then wouldn't promote him any further.

Q. What had that to do with your being at the Smithsonian Institute?—A. Because I live near there, within a stone's throw of the grounds, and I went over there with my two little daughters, who were sitting down in front of the building when he came along.

Q. Did he come by and he accost you and you objected to it?—A. He had passed there and had been abusing me, and I told him I would pummel him good if he did not quit talking of me in any such way, or talking about me in any such way as he had been.

Q. Because he passed there?—A. I told him as you would tell a man if he vilified you.

Mr. DUNCAN. Was that after he charged you with being with the women?

A. That was simply to impress the court on the trial, when he got out a warrant and had me arrested for abusing him.

Q. When you abused him had you seen him pass by before that?—A. No, sir; I was sitting there with my daughters.

The CHAIRMAN. What is this. Is it the nature of affecting the credibility of the witness?

Mr. ENLOE. Yes, sir; that is the purpose.

The CHAIRMAN. Then that is within reasonable limits. It would take a great deal of time to investigate all such matters as this.

Mr. ENLOE. His statement shows the state of mind he was in at that time.

Q. Don't you know charges were filed against you since you have been in the Pension Office by three old soldiers, who charged you with calling them one-armed and one-legged sons of bitches?—A. I have the charge in my pocket. It is a fact that I am so charged, but wrongfully charged, sir.

Q. Who were the men who charged you with it?—A. I would not be very sure about that and I will read the names; I have them here. One of them was John Brundstran.

Q. He is a one-armed man, isn't he?—A. Yes, sir. I got him promoted from $1,200 to $1,400.

Q. Didn't you call Mr. Harner, who also lost an arm in the late war, such a name?—A. I did not, sir.

Q. Didn't you refer to Captain Ripley, who is also a one-armed soldier, in a like manner?—A. No, sir; I did not.

Q. You deny, then, you ever applied any such terms to any of these soldiers, do you?—A. I do.

Q. Were those charges against you ever investigated?—A. I think so, sir; in fact I know they were.

Q. Who investigated them?—A. I think Assistant Secretary Bussey,

as he declined to sign my recommendation for reinstatement for chief of the record division.

Q. He declined?—A. Yes, sir; on the statement of those gentlemen, but it was afterwards signed by Secretary Noble, and he signed it on the statement that I had treated them with universal kindness.

Q. On the general statement of your manner toward soldiers, that it was kind, and because you treated other men kindly?—A. On the individual statement. I treated Mr. Harner so kindly as to recommend his promotion.

Judge PAYSON. And your own denial was there, was it not?—A. Yes, sir; and their denial.

Mr. ENLOE. These men didn't deny, did they?

A. No, sir; they were not the men to do it. Mr. Harner got to $1,200, and I couldn't get him to $1,400 and he became my enemy. I recommended his promotion from $720 to $1,200 and then recommended him to $1,400, but could not get it.

Q. Did you use that language?—A. No, sir; I did not; I never referred to a one-armed soldier in my life in a disloyal way.

Q. Your statement was taken against the other three?—A. Yes, sir, and my statement was backed up by the chief clerk and other gentlemen as trustworthy as any gentleman in this room.

Q. Did they claim to be present at that time?—A. No, sir; they claimed to know about my treatment of soldiers, though.

Q. Didn't you promote them, and then ask them to say that about it?—A. No, sir; I didn't do anything of the kind. If you will only say things that are true——

Q. I will ask you if it is not the testimony of three men on record that you did do it, and if there is anything in the record that shows you didn't?—A. I would rather read the record, sir.

Q. Is that the entire record in connection with the case?—A. No, sir; this is a charge made by these three one-armed soldiers.

Judge PAYSON. Do they make it on their knowledge?

A. They do not, sir.

Mr. ENLOE. Do you know whether there are some charges in the Commissioner's office now?

A. I have the whole record now.

Q. Have you the record from the Interior Department?—A. No, sir; I have from the Pension Office, though.

Q. Then you don't know all about what this record contains in this case?—A. No, sir.

Mr. ENLOE. I will undertake to look into Mr. Ford's record a little further in the Interior Department. I have seen papers there, and I think they justify the questions I have asked here.

Q. When you severed your connection with the Pension Office under Gen. Black how did you happen to do it?—A. It was in this way: as I was a Republican and Gen. Black a Democrat, he had a perfect right to dismiss me, and he did so, and I presume it was on political grounds altogether, sir. I had heard it was something else, but I never knew anything about it definitely.

Q. Let me ask you if there were not charges preferred against you similar to the charges you preferred against Mr. Engle?—A. I didn't know it if they existed.

Q. You didn't know it if they did exist?—A. No, sir.

Q. You didn't know who prepared it if they were?—A. No, sir.

Q. Don't you know there was the name of a lady clerk in your division connected with you in those charges?—A. I have heard so; a long time after the occurrence, but *not at the time.*

Q. I will ask you if the lady was not discharged at the time you were?—A. I have heard that was so; there were quite a number of ladies discharged, and one of them, I heard, was the lady.

Q. I will ask if it was not alleged that you paid a visit to Baltimore with this lady, and that it was on that account that you were both discharged?—A. I never heard of it until very recently, sir. If it is a proper time to deny it I emphatically deny ever entering the city of Baltimore with that lady, and I will say, further, that that lady went with my wife, who is an intimate friend of that lady.

Q. Did you ever take this lady to Cabin John's Bridge?—A. No, sir; but I did take her and my wife and daughters and some other ladies to the Big Falls. That my wife will come and testify to, sir.

Q. Have you ever borrowed money from John W. Latourette?—A. I don't think you will subserve the interests of this committee or Government in asking any such question, sir.

Q. You don't think that will subserve the ends of justice in this case?—A. With due respect to you, sir, if you differ with me, I do not.

Q. I will ask you if you have ever been in the habit of borrowing money from clerks in the division?—A. I have ever since I was dismissed been in very straightened circumstances and have had to frequently borrow of one to pay another of my debts, as any honest man would do; and kind friends have offered to assist me, and I have received a great deal of assistance from them. I am still financially embarrassed. It is no disgrace, is it?

Mr. DUNGAN. You are not in the Pension Office now, are you?

A. Yes, sir.

By Mr. ENLOE:

Q. I will ask you if you went to Pension Office clerks and got them to indorse paper for you and you negotiated it with John W. Latourette?—A. I say with all due respect to you, sir, I see no reason why my private affairs of that nature should be divulged to this committee.

Q. Now, if you who are the chief of the division, and you have charge of a number of persons in the employ and they are all striving for promotion and looking to you for official favors, do you think it is proper practice for you to borrow money from them or to look to them for indorsement? Do you think that is right?—A. If I am under indictment for perjury or forgery it might not be, but if I am an honest man I don't think it makes any difference to anyone.

Q. Why don't you tell then?—A. Because it would be to publish my matters all over the country.

Q. You admit that you have borrowed money then?—A. Yes, sir; from the clerks.

Q. In the Pension Office?—A. Yes, sir; in my division.

Q. And you negotiated the paper which they indorsed for you to John W. Latourette?—A. I have not said that and I don't think I will say it.

Q. What objection have you?—A. I have told you it is my private affair.

Q. What objection have you?—A. I have told you that that is my private affairs.

Judge PAYSON. What earthly difference does it make, Mr. Chairman?

Mr. ENLOE. It makes a great deal of difference. Mr. John W. Latourette seems to have enjoyed great favors in the Pension Office. He comes there twice a month to collect his dues from these people.

The CHAIRMAN. It appears on the record that he borrowed from his clerks.

Mr. ENLOE. I want to know whether or not you have had transactions with this particular man or not?—A. Yes, sir, I borrowed money from Mr. Latourette and he has treated me well, and does not haunt me or charge me 10 per cent, and I am not a very particular friend of his either.

Q. What particular rate of interest does he charge you?—A. At the present time I owe him money that I don't pay any interest on.

Q. Wouldn't it be of very great importance to Mr. Latourette if the heads of divisions there and those in authority in the Pension Office would allow him to go in and fleece the clerks at the rate of 10 per cent per month, and couldn't he afford to loan money to the heads of divisions for nothing?—A. I say the chief has no such authority as that; they have no such power.

Q. They can allow this man to come in and transact his business?—A. No, sir; they can not. That power is confined entirely to the chief clerk or Commissioner.

Q. You have never made any complaint to the Commissioner about Mr. Latourette's coming there and visiting there?—A. No, sir; not in the world. I have no right to complain. I still owe him some money.

The CHAIRMAN. I would like to know about the extent of this borrowing business; about the extent the clerks have indorsed?

A. Well, I will state that the only clerk that I owe that I know of who is the indorser for me is one man, and he is not complaining, and the man who made the note is not complaining. I can't think of another soul whom I have asked to indorse for me.

Q. Has that been extensively?—A. I can not tell that. A great many handed me money right out when I wanted it.

By Mr. ENLOE:

Q. Who is the man that indorsed for you?—A. That would be telling things that I do not want to divulge here.

Q. There is but one man?—A. Yes, sir.

Q. How many women?—A. Not one, sir; not any woman and one man.

Q. Did you borrow any money from Mrs. Newton in the office?—A. Yes, sir.

Q. Have you paid her?—A. I have settled with her; I have not paid her entirely.

Q. Didn't she ever report the matter to the Secretary and the chief clerk, and the chief clerk told her she would get a settlement?—A. There was some talk about that. I know if she did do it she will not do it again.

The CHAIRMAN. Was she a clerk in your division?

A. No, sir.

By Mr. ENLOE:

Q. Did you borrow money from your messenger?—A. I heard that I borrowed money from a one-armed man and he was afraid to come to me and get it.

Q. Did you borrow any money from him?—A. Yes, sir.

Q. As a messenger?—A. No, sir; while a watchman.

Q. Did you borrow money from Mr. Tilton in the office?—A. Yes, sir.

Q. Have you paid it?—A. That is my own affair.

Q. That is while he was in your division?—A. Yes, sir; there is no trouble about that in anyway.

Q. Did you borrow any money from Mr. Berger?—A. Yes, sir.

Q. Did you borrow any money from Mr. Livingstone?—A. I don't know that I should go over all this matter.

Q. Did you borrow money from Livingstone?—A. I refuse to answer the question.

Q. Did you borrow money from Mr. Keplar?—A. I borrowed from a great many people.

The CHAIRMAN. The real inquiry is to what extent you borrowed money from your subordinate; it is not the intention to inquire into the names, but the extent?

A. I have known these parties for years and they have loaned me money when I have needed it.

The CHAIRMAN. We are simply inquiring as to the facts now, and whatever explanation it would be proper to make you can make it. We do not want to abuse you in anyway.

A. I state that all of these parties are my friends.

The CHAIRMAN. We want to get at the names and amounts that you have borrowed.

By Mr. ENLOE:

Q. Did you borrow any money from Mr. Berger?

The CHAIRMAN. He said he did.

A. No, sir; I refused to answer as to any others. I simply refuse because I see no good to be obtained in that way.

By Mr. ENLOE:

Q. Mr. Berger was in your office; employed there?—A. Yes, sir.

Q. Was Mr. Livingstone?—A. Yes, sir.

Q. And Mr. Kepler?—A. Yes, sir.

Q. And Mrs. Fithian?—A. Yes, sir.

Q. Did you borrow money from all of these?—A. I didn't say so, and I decline to answer, with all due respect to you, sir.

Q. You won't say you did not borrow from them?—A. I will not answer the question unless obliged to. I don't mean to give any offense, either.

The CHAIRMAN. Let me ask you, Mr. Ford, suppose you were, as you were, chief of the division?—A. I was on two occasions; I am now assistant.

Q. And you had subordinates under you, and you were responsible for the due administration of your division. Do you think it is proper for you, or the chief of that division, to be borrowing money from your subordinates?—A. No, sir, I do not.

Q. Why do you refuse to answer it, then?—A. Whatever I have done has been strictly my private affair, and I assure this committee that no human being was ever promoted on account of any favors shown to me in that way.

The CHAIRMAN. What we want is your statement as to the number.

A. I decline to give any names. I have borrowed from a great many people since I was placed in this financial distress.

Q. You just told me it was improper?—A. It would depend on the extent.

Q. Will you inform the committee the extent?—A. The extent which I have borrowed has not been of the nature to embarrass persons. No one ever loaned me a cent where they felt that if they did not do it they would be refused any favors in the office. It has not been anything of that kind and it has not been any more extensive than any other gentleman in the office.

Q. That don't give us the information.

By Mr. ENLOE:

Q. Is that the general practice in the office?—A. Yes, sir, it is pretty general. I could name a good many men in the same position I am; in the same position, only holding a little more exalted position, having borrowed money the same as I have, and they are still regarded as gentlemen.

Q. Who do you say are the ones are more exalted?—A. I couldn't name them.

By Mr. LIND:

Q. The object is, as stated by the chairman of our committee, of course, not to pry into your personal affairs. Your money transactions are no concern of ours unless they should be a public grievance and an embarrassment to the due administration of the work of the office and the service in it. Now after that, having you understand that I do not desire to pry into your private matters, which I certainly do not wish to do, I would like to have you state, if you feel a desire to do so, in round numbers, what the amount of your indebtedness has been at any one time to persons?—A. I don't really know and I feel it would be unfair to myself to make that answer because it would be exposing my financial straits, and it seems to me that is entirely my personal matter.

Q. You don't understand the object of the committee. The object of the committee, as stated by the chairman, was to obtain, not to ascertain, what financial condition you have been in, or anything of the kind, but simply to ascertain whether you had, while you occupied the position as chief or assistant chief, borrowed money from subordinates under you to a considerable extent, and perhaps by that means embarrassed the rules and possibly embarrassed the good of the service and discipline of the office. That we are interested in knowing, and that is the only thing we are interested in knowing. We don't care anything about whether you have repaid or whether you have borrowed from one to repay another, but we would like to get at it, so far as I am concerned, at a general report of the extent of this practice which Mr. Enloe alleges as a grievance. I would like to know whether it is a grievance or not. If it is simply a transaction between you and those acquaintances that might occur under any other circumstances, why of course it is all right.—A. Now that is just exactly what I claim it is.

Judge PAYSON. But it is the committee who have the right to judge. Now what the committee demand is the name of these individuals so they could judge.

By Mr. LIND:

Q. No, we don't care for the names if you will give us the number of instances, the amount, and about the time.—A. I can not do that.

By Mr. LITTLE:

Q. He has stated it is a very general practice there in the office?—A. Yes, sir, I think it is.

The CHAIRMAN. A general practice in your division?—A. I don't mean to be understood that we in any way injure the Government or anybody else. They are simply transactions between friend and friend. Applications from one clerk to another, and transactions between clerk and clerk.

Q. Was it pretty general in your division?—A. It has been a very general thing in the office; not especially in my division.

Q. In your division?—A. Not especially so.

By Mr. ENLOE:

Q. But you have participated in it to a considerable degree?—A. I have availed myself of the friendship of persons, yes, sir.

Q. To a considerable degree?—A. Not a very great degree, or to such a degree that would injure any of them. They were simply friendly accommodations.

By Mr. LITTLE:

Q. I understood you answered the counsel very readily on quite a number of names, and when you arrived at one name you stopped and wouldn't give any more. Where does the particular distinction come in?—A. No particular reason for stopping except there was going to be a long list of names, and that was going to be published and I didn't know where it was going to end.

Q. What made you think so?—A. Because you're going right along, and I have said to you that there could be a long list.

The CHAIRMAN. You say you have said there could be a long list?—A. Yes, sir.

Q. Employés in the office?—A. No, not all of them; those that were some of my most intimate acquaintances at the office.

Mr. ENLOE. You said some people higher in authority than you were in the same business. What made you say that?—A. I decline to answer, because it is the private affairs of other gentlemen, and I don't see why it should be disclosed. I presume that in his day the President of the United States has borrowed money, and I will say that if you think I am hinting at the Commissioner, I did not mean him at all; I don't know anything about his private affairs.

Q. You don't know whether it has reached that high up or not?—A. I have great respect for the man, but no intimacy, and that is not the fear on account of his being Commissioner either; not at all.

Mr. ENLOE. What course will the committee pursue with this list of names?

The CHAIRMAN. Is that a list of employés in his division?

Mr. ENLOE. Yes, sir.

The CHAIRMAN. I should like to have an answer to that. What do you think about it, Mr. Little?

Mr. LITTLE. It seems to me it is proper if they are employed under him.

The CHAIRMAN (to Mr. Dungan). What do you think about it Mr. Dungan?

Mr. DUNGAN. I don't see any reason why he should stop, but I think he has been very frank in saying that the list has been wide and long.

The CHAIRMAN. What do you think about it, Mr. Lind?

Mr. LIND. I did not hear how this matter originated. My own impression is, that, so far as we are concerned, it would be impertinent on the part of the committee to inquire into purely personal matters of any employé of the Pension Office. It is none of our business; but at the same time a person occupying a chief of division or any other position of importance should have taken advantage of that position to exact or force loans from subordinates, by advantage of his position. that would be a grievance, and a practice that we ought to inquire into and report on. It may be necessary to have some legislation on that subject. That is the way I feel about it.

By Mr. LITTLE:

Q. How many were employed under you as chief?—A. The number varied so that it would be hard to state.

Q. What would be about the average?—A. The most has been 350 and that has depreciated down to 100, and a little less than 100. I think now it is 110.

Q. To what extent have you borrowed from them?—A. I don't know.

Q. Without giving any names?—A. I don't see the importance of that question. I will say to you sir, though, that I have not been in the habit of going round and borrowing because they were in my division.

Q. Can't you state about the number of those who are employed there you have borrowed from?

Mr. LIND. I think that is what we want to know.

A. I don't know as I can answer that question.

Judge PAYSON. Give it approximately.

A. I may have borrowed from 10 or 15 or even more than that.

By Mr. LITTLE:

Q. Do you think 15 is the outside?—A. I would not say, but I have gone to friends a good many times when I have been in need, but I have never demanded or hinted or anything of that kind that if they did not help me and loan me money that I would not give them any official recognition.

Q. Give the numbers?—A. I could not tell you.

Judge PAYSON. Couldn't you approximately state it?

A. No, sir; I don't know as I can.

Mr. ENLOE. You keep a memorandum of your indebtedness, don't you?

A. No, sir, I do not.

Mr. LIND. Can you give us an idea of the number of subordinates you are indebted to now at the present time?

A. In my own division?

Mr. DUNGAN. Either by loan or indorsement.

A. Well, I think in small amounts to three; that is what I think.

Mr. LITTLE. How about large amounts?

A. Not any large amounts at all.

Mr. LIND. Have you been at any one time indebted to a much larger number than three of your subordinates?

A. I have been indebted to different ones at different times.

Q. That is during a series of years or weeks. I mean at any one time?—A. I may have not been indebted to more than three persons at one time.

Q. About how many, if you have any idea?—A. I could not say positively, but I haven't anybody driving me.

Q. You don't seem to understand the object of my question. It is not that we want to inquire into your private affairs. It is alleged before us to be a pernicious practice on the part of members of the Department and we want to know what the facts are so we can get at it. That is the sole object of my question. Have you any objections to stating if you know about the aggregate indebtedness that you owe subordinates at this time without giving any name?

A. I would sooner not do that. That exposes my private affairs.

Judge PAYSON. It is no disgrace. We have all been hard up sometimes in our life.

A. That is all very true, but I don't see anything to be acquired by it except my disgrace.

Mr. LIND. If it is a disgrace you ought not to have done it.

A. I didn't say it was a disgrace.

The CHAIRMAN. Do you refuse to give the amount of your indebtedness?

A. Yes, sir.

Mr. ENLOE. Do you refuse because it will disgrace you?

A. No, sir; I will take that back. I mean it will expose my private affairs unnecessarily and make it the town talk.

Q. Were you in here this forenoon, Mr. Ford?—A. No, sir.

Q. Are you still in the Pension Bureau?—A. Yes, sir.

The CHAIRMAN. Drawing a salary from the public treasury?

A. Yes, sir.

Q. It is out of the public money with which you are paid?—A. Yes, sir.

Q. Do you think it a fair subject of investigation to see how that Bureau is conducted, having charge of these public moneys?—A. Yes, sir, of course it is.

Q. Do you think it is a fair subject of investigation that we should inquire into your private affairs to see how far they affect public service?—A. I think so, but I think there should be a limit.

Q. Under that suggestion, do you refuse to answer the question about your money transactions with subordinates?—A. I refuse because it would make it the talk of the office, that Ford owed this man and that man.

Q. Is that the ground of your refusal?—A. Yes, sir.

Q. Do you think that is sufficient ground to keep it from this committee?—A. I do from my standpoint.

Q. If the committee should think you were wrong would you still continue to refuse to answer?—A. If the committee would make me answer it, why, of course I would answer it.

Q. We have already taken the sense of the committee in regard to your answering it, and they request that you answer it. Will you answer it?—A. State the question again.

Q. Will you state the number of your indebtedness to your subordinates in your division, or from whom you have received indorsements, or borrowed money from on their indorsements?—A. I am not positive that I could.

Q. Will you approximate it?—A. I could do it, sir, but I don't want my private affairs to appear in the public press.

Q. You decline?—A. Yes, sir.

Mr. LIND. You understand I do not propose to ask you the name of the persons with whom you had these transactions?

A. You are treating me very kind in allowing me to talk and give my reasons why, but I would rather not answer those questions, gentlemen.

Mr. LITTLE. You recognize yourself as a public officer?

A. Yes, sir.

Q. And your subordinates are public officers?—A. Yes, sir.

Q. And we are investigating your relations with public officials?—A. Yes, sir.

The CHAIRMAN. Will you approximate the amount you now owe to employés in your division? At this time will you now state that?

A. If my memory serves me right I owe $80 to three different persons.

Judge PAYSON. How much of this in your division?

A. Eighty dollars in our division.

The CHAIRMAN. You mean by that you are owing that to employés in the Pension Department?

A. I didn't say so.

Q. I ask you did you say it, and I would like to have you answer the

questions I have asked?—A. I would prefer not to answer about my private affairs. No one's position has ever been affected in any way by my private transactions with them.

By Mr. DUNGAN:

Q. For how long in the last two years have you been chief—have you been chief for two years?—A. I have been assistant chief. I don't know what time it was that Maj. Barker came in. I have been assistant chief quite awhile. I was appointed chief when Tanner was appointed, and I remained chief until Mr. Barker succeeded me.

Q. How long have you been in as assistant chief?—A. I am assistant chief now, and have been ever since Barker came in, and I don't remember just the date.

Q. Now these money transactions you say had no influence on your official actions?—A. No; not in the world; no, sir.

Q. Are you able to say whether these various parties who accommodated you, either by indorsement or loan, whether any of them were promoted as a matter of fact?—A. I will try to think.

Q. And whether that would have had anything to do with it or not?—A. I can't think of a soul being promoted. There may have been, but I don't remember of anyone now. But emphatically that had no effect upon it whatever.

By Mr. LITTLE:

Q. Since you first borrowed money from any of your subordinates have you ever been free from debt to some of them?—A. Since I first commenced borrowing I think not, sir.

Q. You never have been free?—A. No, sir; I have not. When a man gets into that kind of a hole it is very embarrassing. I have changed the indebtedness by borrowing from one to pay another.

Q. But you have never been out of debt to your subordinates?—A. The subordinates in my division?

Q. Yes, sir.—A. I am not sure about that. I think not though. Since I first got into debt I don't think I have ever been clear of it.

The CHAIRMAN. That is two years ago?—A. Yes, sir.

Mr. LIND. As assistant chief, are you called on to make recommendations for promotion; have you been for a long while?—A. When I was chief I had a good deal to say.

Q. As assistant chief, have you anything to say?—A. No, sir; no more influence than you have.

Mr. LITTLE. You stated a while ago that you had certain people promoted?

A. That was while I was chief. Of course I fortified myself in each case where I did have anybody promoted.

Mr. ENLOE. I was not in here when you made your answer in regard to indebtedness. What was your answer about the amount of indebtness you have in the office?

A. He insisted on it and I told him in my division it was $80.

Q. How much do you owe Mr. Landon?—A. I don't know.

Mr. LIND. The suggestion made to the witness was that the committee did not propose to lead him to go into details.

Mr. ENLOE. If you will wait a moment now I will give you due reason for asking this question. I understood he said it was $80, and I want him to answer in regard to Mr. Landon, which will show more than that.

A. He is not in my division. The question was in my own division.

Q. That was limited to the division?—A. Yes, sir.

Mr. DUNGAN. Has Mr. Landon been promoted to a better place, in the last year, on your recommendation?

A. No, sir; he has not; he is chief of another division.

Q. You didn't interest yourself in any way in having him made chief?—A. No, sir; not in any way.

Mr. ENLOE. Haven't you been required to make settlements there on their threatening to report you to the Secretary and compel you to pay persons there?

A. Yes, sir.

Q. Have any of the ladies or gentlemen in your division complained on account of your ill treatment?—A. No, sir; not that I know of.

Q. Do you know anything about the charge that you offered to insult a lady on the street, that you tried to get her to go in a direction with you when she did not want to go and you took her by the arm?

Mr. LIND. It strikes me that that question and answer should be stricken from the record.

The CHAIRMAN. Is she in the Pension Office now?

Mr. ENLOE. Yes, sir.

The CHAIRMAN. Was she in his department in the Pension Office?

Mr. ENLOE. Yes, sir; in his division and under his control, and he goes and files an affidavit against Mr. Engle alleging that he was guilty of improper relations with a woman there, and in order to test the value of that testimony I wish to ask him these questions.

Q. Now, I will ask you if on the first day of this month an old lady who is employed in your division by the name of Mrs. Sloan did not go to you and demand the payment of $30 which you owed her?—A. I did owe it her.

Q. Did she come there about the 1st of the month to demand the payment of it?—A. No, sir; she did not.

Q. Never spoke to you about it?—A. No, sir.

Q. Not at that time?—A. She only spoke to me on one occasion, and then our talk was entirely pleasant and our whole relationship was perfectly pleasant between her and me.

Q. Did you tell Mrs. Sloan, sometime about the 1st of this month, that if she didn't quit troubling you about that money that you would show up her character and have her brought before this investigation committee?—A. If you will allow me, it is the most infernal lie that was ever told about anybody. That lady is as pure as any woman in the world.

Q. You say she did not do it?—A. Yes, sir.

Q. You say you did not say anything of that kind to her?—A. I did not do it, and she will say so. She is my friend.

Q. Do you know she went in the western division and told this story, and nearly went into hysterics over it?—A. No, sir. I know the old lady's position was changed in the division and she thought I had something to do with that, and it annoyed her, and she said some things that she would not say now. I don't owe her a cent at the present time.

Q. When did you pay her?—A. Recently.

Q. After the scene occurred in the Pension Office?—A. I don't know anything about the scene. I paid her and told her I regretted she said those things in regard to my having anything to do with her change of position in the office, and she believes me and is my friend.

Q. Then if you had a person who had loaned you money there in the office, and the question affecting her reduction came up, you would not make a reduction; a recommendation for the reduction of any person

who had loaned you money, would you?—A. That wouldn't make any difference whether they had or not. I have never borrowed a cent that I didn't stipulate that I had no influence to promote or dismiss.

Q. As a matter of fact the assistant chief has something to do with recommendations to his chief, doesn't he?—A. I have not, and I have not had a thing to do with it since the advent of Mr. Barker into the office, and I have had very little to do with it since he left, because the system is changed in that respect.

Q. How is it run now?—A. Through the Civil Service Commission and Commissioner of Pensions.

Q. That is under competitive examination?—A. Yes, sir; and even before that the assistant chief of division had very little to say.

Q. Do you know whether Gen. Raum reduced you from the position of chief to assistant chief?—A. I have his own words.

Q. What was the reason?—A. The reason assigned by him was he had to make a vacancy for a gentleman by the name of Barker. He had to make a position for him for the Secretary, and as I had been in the grades, I could, under the civil-service rules, be reduced to the grades, but if he went to another chief to make room for him, as the other chiefs had not been in the grade, he would have to dismiss them. Therefore it would only take $200 a year from me and would take the other man's entire salary.

Q. Was Mr. Landon assistant chief?—A. Yes, sir; under Maj. Barker.

Q. When did he leave the division?—A. I don't know.

Q. Why did he leave the division?—A. I don't know.

Q. Do you owe him money?—A. Yes, sir; before he ever came in there I owed him money, and I intend to pay him.

Q. Had that anything to do with his getting in there?—A. No, sir.

Q. Was Mr. Engle your assistant chief at that time?—A. He was, sir.

Q. Did you find him a valuable assistant?—A. He is an excellent clerk.

Q. He is?—A. Yes, sir; he is a splendid clerk. I brought him there myself, because he was an excellent clerk, and I wanted to help him, because he was a one-armed soldier and had a family on his hands to support.

Q. Didn't you want him to leave after he had been there a while?—A. I wanted him to do just as he pleased about it. I certainly didn't want him dismissed from the office.

Q. When did the personal relations between you and Engle change, when this feeling which you speak of in your testimony, come about?—A. I can't tell you, sir.

Q. Do you know anything about the anonymous letters written to Mrs. Raum in regard to matters pending in the division?—A. I never knew who wrote it. I saw a portion of it, but I didn't read a line of it.

Q. Why didn't you read it?—A. Because I preferred not to have anything to do with it.

Q. What is the reason you didn't want to read it?—A. Because it was an anonymous letter, and I didn't want to know anything about it.

Q. Wouldn't you naturally like the reading of it?—A. No, sir; I would not.

Q. Do you know who wrote the letter?—A. No, sir.

Q. Do you know at whose request or dictation it was written?—A. No, sir.

Q. Did you have anything to do with the writing of it?—A. No, sir; not in this world, nor did I know anything about it.

Q. Wasn't that letter written for the purpose of aiding in getting Mr. Engle out of that division?—A. No, sir; not that I know of. I didn't have anything to do with it.

Q. Do you know whether a member of your family was interested in the writing of that letter?—A. I do not. No, sir; this is the first time I ever heard of such a thing.

Q. Didn't a lady, who was afterwards transferred to the Secretary's office, have it written at your request?—A. I never knew a word of it, sir, in the world. I never had a thing to do with it in any way or with any lady.

Q. Did you know the matter was investigated?—A. I did.

Q. Do you know what the result of the investigation was?—A. I do not.

Q. Don't you know what became of the letter, either?—A. I have not the least idea of it.

Q. Do you know anything of a Dr. Brooks, a special examiner, watching Mr. Engle's movements or his house?—A. I never knew such a man in my life.

Q. That was not done at your request?—A. No, sir; never knew of such a thing. Nobody ever watched Mr. Engle's house for me, and I never knew Mr. Brooks had a brother.

Q. What did Theodore Smith have to do with Mr. Engle's removal? A. I do not know anything about that, sir. I didn't know he had anything to do with it.

Q. Didn't you suggest things for him to charge against Engle?—A. No, sir.

Q. You had nothing to do with his removal?—A. No, sir; never in the world; not a thing. If it was considered so; I didn't do anything of the kind, and I was sorry that he was dismissed.

Q. Do you think you did Mr. Engle justice?—A. I did myself justice.

Q. Was that defending yourself?—A. Yes, sir.

Q. How?—A. By showing he was a bad man, and that would have its bearing in regard to the things he was saying against me when I made that statement.

Q. What was he doing?—A. He was saying that I had him dismissed, and I think he knew it was false.

Q. Was that anything very serious?—A. Yes, sir; with an office full of soldiers ready to cry down a man who did anything of that kind, I should think it was quite serious, and no man respects these people any more than I do.

Q. Haven't you owed your position in the office to Col. W. W. Dudley?—A. No, sir.

Q. Who appointed you?—A. That was when I was a child.

Q. Didn't he appoint you?—A. No, sir; that was when I was a child and he didn't do anything until he came into the office and then he promoted me. His statement was that he wanted me to take charge of that division, and I said to Col. Dudley if you are going to do that on account of Auld Lang Syne, I will excuse you from any such obligation. He said the chief of your division says you are more worthy of it than any other man in the office. I said, he has said a falsehood, and I said a man who has knowledge is a man better capable of taking that position than I am, and that is a man by the name of Johnson.

Q. But you got the promotion?—A. Yes, sir

Q. When Commissioner Black discharged you from the office don't you know you got your appointment in the Patent Office through the influence of Col. W. W. Dudley?—A I know he asked for it on the ground I was entitled to some consideration on account of the long service I had given to the Department there.

Q. Don't you know he followed that up by asking for it?—A. I know he has always treated me as a friend.

Q. Don't you know he used his influence to get you back in the Pension Office?—A. Unquestionably he did, because that is the kind of a friend he is.

Q. Did you ever look up any pension information in the Pension Office in regard to cases and furnish it to Col. Dudley?—A. Not one iota, sir.

Q. Did you talk with him over the telephone there?—A. No, sir; not about anything of that kind, sir; and I would like to make a statement about the man who made that statement; and I would like to be put under oath in order to make a statement in regard to the man who circulated that story.

Mr. LITTLE. I would like to ask the witness if he doesn't realize he has been under oath all the while?

A. Yes, sir; but I wanted that particularly.

Mr. ENLOE. Do you know why Mr. Donahue was reduced from $1,400 to $1,200, and from section chief to clerk?

A. I do not.

Q. If you had wanted to furnish Mr. Dudley information about matters in regard to pensions you were in a position to do it, weren't you?—A. Any clerk can furnish valuable information to any attorney. He has the power to do it if he is scoundrel enough to do it.

Judge PAYSON. You mean by that, he is in a position where he could do it?

A. Yes, sir. It is not right, but if he is scoundrel enough to do it he would do it, and I want to say that Col. Dudley would kick me out of his office if I ever furnished him any information of that kind, or attempted to do so.

Mr. ENLOE. Did you copy any of the charges in this record from charges that were filed against you under Gen. Black?

A. No, sir; I never knew there were any filed against me.

Q. Have you copies of them now?—A. Yes, sir; some of them.

Q. I asked you in the beginning of this examination if you didn't know at that time that you were charged with holding improper relations with a woman in your division?—A. No, sir. I have not any such knowledge. I have never seen any such allegations.

Q. That is not in the copy you have?—A. No, sir. It is not. I can establish the truthfulness of the charge I make against Mr. Taylor before any court or before any jury.

Q. Did you ever borrow any money from the lady referred to in that affidavit?—A. I may have done so. I have borrowed money from different ones in that office. If I did I have paid her.

Q. Did she ever refuse to loan you money?—A. I don't remember.

Q. Can you furnish her name?—A. I can, but I wouldn't unless I am forced to do it.

Q. Did you ever borrow any money from Green B. Raum, jr.?—A. No, sir.

Q. Never on intimate terms enough for that?—A. No, sir; I never had any personal acquaintance with Mr. Raum. What little I know of him I respect him, but I have no intimacy with him.

By Mr. DUNGAN:

Q. You are speaking of the young man?—A. Yes, sir.

By the CHAIRMAN:

Q. I would like to ask you this question; I don't want the lady's name. In this affidavit or statement you use this language: "Some time after this Mr. Engle told me he had taken her to the Forrester's

Hotel, an assignation house in the northwestern part of the city, but didn't succeed in his purpose, but he afterwards took her to another assignation house on Seventeenth street and there he accomplished his purpose, and so forth."—A. That is why I believed it, sir.

Q. Is this lady still in the Department?—A. I told you she was.

Q. Has she ever been investigated concerning this?—A. I don't know as to that, sir. I don't think she ever was.

Q. Was this affidavit brought to the attention of the Commissioner?—A. Yes, sir; that was made there in his presence. I don't say it was an affidavit. That was a statement I made there; that was all.

By Mr. DUNGAN:

Q. Do you know James R. Fritts?—A. I don't know him, sir. I may know him, but I can't remember his name.

By Mr. LITTLE:

Q. Because you couldn't remember the name, is that the reason you refuse to give the names of these people you have borrowed money from?—A. No, sir; not at all. It was the natural reason that I didn't want to have it go into the public press.

Mr. ENLOE. That is all I want of this witness.

TESTIMONY OF D. W. KEPLER.

D. W. KEPLER sworn and examined.

By Mr. ENLOE:

Q. What position are you holding at present?—A. Messenger in the western division of the Pension Office.

Q. Do you remember Mrs. Sloan coming into the western division and making a statement about a conversation she had had with Mr. Ford recently?—A. Yes, sir.

Q. What day was that?—A. I am not positive about that. I think it was on the evening we were receiving our last pay, the last of March or the 1st of April.

Q. What statement did she make there in regard to her conversation with Mr. Ford?—A. None at all in my presence.

Q. None at all?—A. No, sir.

Q. Did you see her in there?—A. Yes, sir. I saw her in conversation with Mr. Engle.

Q. Was there anything of a scene in there; was she crying or did she appear to be in distress?—A. She came in and passed around me. I was at work at my desk and she went around me and went towards the others, and Mr. Engle called me and I looked up, and the lady seemed to be in a fainting condition, and I ran and got her a chair and she sank down into the chair.

Q. You didn't hear what she said?—A. No, sir; didn't hear a word she said.

Q. Was Mr. Durnan or Mr. Bates there at that time?—A. I don't remember of seeing them there; no, sir.

TESTIMONY OF RICHARD A. DURNAN.

RICHARD A. DURNAN sworn and examined:

Mr. ENLOE. The reason I am calling these witnesses is that my object is to show that this woman stated she had been in there to collect this $30, and had been threatened by Mr. Ford with an exposure of her character if she didn't quit troubling him about the money.

Judge PAYSON. In any event that wouldn't be competent to show it by these witnesses.

The CHAIRMAN. It will lead to show the effect of borrowing money back and forth in this way.

Judge PAYSON. But the woman should be brought here herself.

Mr. ENLOE. I am informed the woman is sick abed and unable to come.

By Mr. ENLOE:

Q. Mr. Durnan, you may state what transpired at the time this woman came in there?—A. I know but very little about it. As the chief of the division it was my duty to be about the division on that day as on all other days, and I saw an elderly lady sitting in a chair in one of the rooms in the western division apparently in a very distressed condition, but she made no statement in my presence, and I didn't know why she was there.

Q. She made no statement in your presence?—A. No, sir.

Q. You didn't hear what was said?—A. No, sir.

Q. Didn't hear anybody say what she did say?—A. I understood from Mr. Kepler and Mr. Engle what she said.

Mr. LIND. Are they employés?

A. Yes, sir.

Mr. DUNGAN. Was her condition so as to attract your attention?

A. Yes, sir; she seemed to be in a condition almost next to a faint.

The CHAIRMAN. Is she sick now?

A. I don't know; she is not in my division.

Mr. DUNGAN. You said she was an elderly lady?

A. Yes, sir.

The CHAIRMAN. About what age?

A. I should say she was 70 years old.

Mr. LIND. How long have you beeen chief of division in the Pension Office?

A. I was appointed chief in November, 1889. I had been in the Bureau ten years before that.

Q. What has been your observation in regard to the practice, if there has been any such practice, in your Bureau, not in any particular division, but in the Bureau of Pensions, of the heads of divisions who borrow money from their subordinates?—A. I know nothing about that except from hearsay.

Q. Have you heard a great deal of talk in regard to such practices?—A. About the only talk I ever heard in regard to chiefs of divisions borrowing money was in regard to Mr. Barker doing it.

Q. Have you ever heard anything of the kind in regard to this man's occupancy of that position, I think Mr. Ford, I believe it is?—A. I have a knowledge—no personal knowledge, however—that Mr. Ford has been in a financial strait and has borrowed money.

The CHAIRMAN. From his subordinates?

A. I don't know whom he borrowed from.

Q. In the Pension Office?—A. I can't say that I did hear that.

Q. In your judgment, what is the practice of borrowing money on the part of clerks, either from clerks in the office or outsiders, generally?—A. I don't think it is very extensive.

By Mr. LIND:

Q. Is it carried on to such an extent as to embarrass an employé occupying, say, your position?—A. No, sir; I don't think so.

Q. Have you ever been appealed to from any source whatever to assist people in the collection of their debts?—A. I have no recollection of ever having been called upon in that capacity.

Mr. ENLOE. Wouldn't those appeals go to the Commissioner instead of the chief of division?

A. I understand they go to the Commissioner or chief clerk, or both.

The CHAIRMAN. You understand they go there?

A. Yes, sir.

By Mr. LIND:

Q. Would you feel justified in expressing any opinion as to whether you think it would be proper to have some regulations passed in regard to borrowing money by chiefs from their subordinates? Would you like to express an opinion on that subject at all, if you have one?—A. I don't believe I have any opinion on that subject, except as regards exorbitant rates of interest. I think there ought to be some legislation on that subject. I would not care to express any opinion in regard to that matter, because I have none. I have never thought enough about it to give one.

Q. Would you consider it conducive to good discipline in your division if you would borrow money extensively from your subordinates?—A. I should say that anyone in authority borrowing monev extensively from subordinates ought to be stopped in any branch of the offices.

TESTIMONY OF W. H. KLOPFER.

W. H. KLOPFER sworn and examined.

By Mr. ENLOE:

Q. State what position you hold in the Pension Office?—A. Examiner in the Western Division.

Q. Do you remember seeing Mrs. Sloan come into that division in a state of distress, telling some story of a conversation with Mr. Ford?—A. Yes, sir.

Q. Please state as near as you can what occurred at that time and what she said?—A. I was sitting at my desk, which is near the door. There was a dark object that appeared in front of the door that attracted my attention, and upon looking up, I may have been called, but upon looking up I saw two figures; one was Capt. Engle and the other was Mrs. Sloan. She seemed to be greatly distressed, and I got up and assisted her to a chair. She seemed to be in great distress, and spoke rather excitedly and in a manner, I can not recall just what she said, but in substance it was that her name was to occur in the investigation and in the newspapers.

Q. What for?—A. She said she had asked Mr. Ford for some money due her, and just the connection between what he said and this I don't know, but he said her name would appear in the papers in the investigation. He did this or that, but I don't remember just what she did say.

Q. Did she say that was the cause of her distress?—A. Yes, sir; I thought she was distressed on that account, and I thought she would faint and that is the reason I assisted her. I assisted her to a chair, and she laid back in the chair with her head resting on the back of it.

Q. Did she state what amount of money Mr. Ford owed her?—A. Yes, sir.

Q. What was it?—A. Thirty dollars.

Q. Do you know whether she has been back in the Pension Office to work since that time or not?—A. No, sir; she is not in the same division where I am employed.

Mr. DUNGAN. You don't know, then?—A. No, sir.

Mr. ENLOE. Is she in Mr. Ford's division?—A. Yes, sir; he is assistant chief of that division. You asked me if she had been in the office since that. She did tell me afterwards that she was paid. I don't know whether that was the same day or not. I don't know whether it was a subsequent date or not. The facts didn't impress me at the time, not dreaming it would ever appear before the investigation. I remember the main fact; she was greatly distressed when I assisted her into a chair, and she made that statement.

Mr. LITTLE. Have you stated all you remember she said?

A. Yes, sir; she came in and sank into a chair with her head back on the chair and appeared to be about to faint; and you can imagine a woman that is very aged, an old lady—I remember one thing she said; she seemed to be afraid her character would be affected. I told her her character would not be affected, and she went on to tell about her folks. Her father was Treasurer of the United States or Register of the Treasury at one time, and I talked to her and tried to quiet her.

By Mr. LIND:

Q. What did she seem to be afraid of?—A. About her name being in the newspapers.

Q. In what connection?—A. In this connection.

Mr. LITTLE. What did she say?

A. She said she had lived for 77 years and nothing of this kind ever happened to her before.

Judge PAYSON. What kind?

A. Her name appearing in the newspapers or in an investigation.

Mr. LITTLE. What made her think her name was going to appear?

A. She said Mr. Ford told her so. She came there and I assisted her in a chair, and she said she had asked him for money, and he had said her name would appear in this investigation and in the newspapers.

Judge PAYSON. In connection with what; did she say in connection with her going to see him?

A. Yes, sir; that was it.

By Mr. ENLOE:

Q. Did she say anything about wanting the attention of the Secretary called to the matter?—A. Yes, sir.

Q. What did she say about that?—A. I think she said if it was not paid her she would go to the Secretary.

By Mr. LITTLE:

Q. Who did she say that to?—A. To all of us who were standing around there. I was standing right by her side.

Q. Was Mr. Ford present at the time?—A. No, sir.

By Mr. ENLOE:

Q. What distance is the record division from the western division?—A. The record division is on the south side of the office; the western division is on the north side right opposite on the third floor; I can't say what the distance is. It isn't very great, 150 or 200 feet; 150 I should say.

Q. Did she say had just come from the record division?—A. No, sir, I was very much surprised to see her there, as were all of us, but where she came from I do not know.

TESTIMONY OF ALFRED BATES.

ALFRED BATES sworn and examined.

By Mr. ENLOE:

Q. Where are you employed?—A. In the Pension Office.

Q. What part of the Pension Office?—A. In the western division, an examiner.

Q. You have heard the testimony of Mr. Klopfer?—A. Yes, sir.

Q. Did you hear any portion of the statement of Mrs. Sloan?—A. I heard Mrs. Sloan making a statement to Mr. Klopfer and Mr. Engle. I couldn't catch what she was saying, but I got the substance of it from Mr. Klopfer and Mr. Engle. I heard a few words of it; she was saying something about Mr. Ford and talking something about a loan.

Q. You caught from what she said?—A. Yes, sir; my desk joins Mr. Klopfer's. She was sitting in a chair by me, but her back was turned towards me, and she was addressing Mr. Klopfer and Mr. Engle.

By the CHAIRMAN:

Q. Is that all you heard?—A. Yes, sir; that is all I heard.

Q. What did she say?—A. I noticed she was in a very distressed condition, she appeared to have a chill, trembling and shaking.

Q. Did you hear her say anything about she would have to appear in any investigation?—A. I heard some words, but I couldn't tell what they were. I heard her say something about an investigation and something about the newspapers and something about her——but it was so disconnected that I couldn't understand it.

Q. Did you hear her say anything about Secretary Noble?—A. No, sir.

Mr. ENLOE. Did you hear her say anything about her character being affected?—A. Something in that connection, but it was so disjointed I couldn't remember.

By Mr. LITTLE:

Q. What did she say about that?—A. She said she was over 70 years of age, and her name and character had never before been affected in any way.

Q. Did she say what had been done against her in this connection?—A. No, sir; if she did I didn't hear her. The conversation was not addressed to me and it was only occasionally that I could hear what she was saying.

TESTIMONY OF J. E. ENGLE.

J. E. ENGLE sworn and examined.

By Mr. ENLOE:

Q. Mr. Engle, will you state first—you have heard the statements of Mr. Klopfer and Mr. Bates. State if you are employed in the Pension Office?—A. I am.

Q. What division?—A. I am an examiner in the western division.

Q. You have heard the statements of Mr. Klopfer and Mr. Bates with reference to Mrs. Sloan?—A. I have, sir.

Q. Will you state what you know about that occurrence?—A. The day before pay day, the 30th day of March, I was informed by a lady that Mrs. Sloan had come to her in regard to some money she had loaned to Mr. Ford, and it amounted to $30, and she had made every effort to get it from Mr. Ford.

By Mr. DUNGAN:

Q. Are you and Ford in the same division?—A. Not now; no, sir.

Q Were you at that time?—A. No, sir; this was the last day of last month, but I will change my——

Judge PAYSON. You will change the fact?—A. No, sir; but I will change my story and tell you directly what I saw there. The morning of the 31st day of March, subsequent to the time we had been paid off, I saw Mrs. Sloan talking to Mr. Ford in front of the office door of the record division, and they both appeared to be rather excited. Subsequent to that I had Mr. Klopfer, one of the witnesses present, go to Mrs. Sloan and tell her I would like to see her. When she came to our division she was in a terrible condition physically. Mr. Klopfer gave her a chair and she told me about it. I asked her in regard to the trouble between her and Mr. Ford, and she said Mr. Ford had borrowed $30 from her sometime previously and she had endeavored to obtain it from him; that he had told her he would pay her sometime during the day; that she didn't understand why, as long as he had been paid off, he didn't pay her then; but sometime during the conversation he told her if she made any trouble in regard to this $30 her name would be mixed up in the Pension Office scandal and be put in the newspapers, and by that reason her reputation would be injured, and I then took her into Mr. Klopfer's room in the western division, a chair being vacant there, and she sat there for half an hour telling the same thing to Mr. Klopfer, and I don't know whether anyone else was there or not. She then said if Mr. Ford didn't pay her that night she would not ask him for it again, but the next morning she wanted Mr. Klopfer or myself go with her to the Secretary, where she proposed to to enter a protest about it.

The CHAIRMAN. Was that before Mr. Ford received his pay?—A. That was after the office had been paid off. I could not understand why Mr. Ford, after he had received his pay, did not pay her the $30.

By Judge PAYSON:

Q. When did you first tell this to Mr. Enloe?—A. I think this morning.

Q. Were you present when this paper was written that he has been questioning the witnesses from with reference to this matter?—A. I was not.

Q. Did you ever see that paper?—A. Yes, sir.

Q. You know what it contains?—A. Yes, sir.

Q. Did you tell him the story before the same as you have here?—A. Yes, sir.

Q. Did you ever give him or anyone else to understand that the chastity of this lady was involved?—A. I did not, sir; and I don't now; and I don't mean to be understood in any such way about it.

Thereupon the committee adjourned until to-morrow morning at 10 o'clock a. m.

WASHINGTON, D. C., *Tuesday, April 12, 1892.*

The committee met at 10 o'clock a. m.

Present, the chairman (Hon. H. H. Wheeler), Messrs. Dungan and Little, of the committee; Hon. B. A. Enloe, Hon. George W. Cooper, and Hon. L. E. Payson.

TESTIMONY OF HON. GEORGE W. COOPER.

The WITNESS. Commissioner Raum, as a part of his defense to the charges of official misconduct made against him here and elsewhere, has procured and offered a mass of testimony to show that Mr. S. R. Hersey, whom he sees fit to denominate my private secretary, has violated certain regulations of the Pension Office.

The charge, as I understand it, is that he has, by the use of my name, examined into the condition of claims and reported to the attorneys or claimants the result of such examination, and that he has received a fee for such services.

He has also discovered that three years ago, soon after I came into office, Maring & Slusher, pension attorneys, procured my name to a great number of Congressional call slips, which the office then refused to recognize. He has even procured and filed with his papers here an affidavit of one David L. Gitt, who represents himself as a real-estate agent here in Washington. I quote the exact language of his deposition:

During 1888, when Gen. Black was Commissioner, there were a great number of slips went into the office by George W. Cooper, member of Congress from Indiana, at Columbus, Ind., bearing the printed card of Maring, Slusher & Co., Columbus, Ind. These, by reason of their great number, were such an imposition upon the Congressional privileges of the office that I felt called upon to present the matter to Gen. Black's personal attention for orders as to their disposition. Gen. Black told me to throw them into the waste-paper basket.

Attention is also called to the fact that in the summer of 1889 the firm of Maring & Slusher had printed a large number of Congressional call blanks with the fac simile of my signature thereon, for use in their office in calling up cases. These constitute the specifications of offenses with which an effort is being made by Commissioner Raum to couple my name. First, as to Mr. Hersey's conduct, I neither excuse nor justify it; but it is my duty to state the facts, and from them I think the public will see that whatever has been done of wrong I have infinitely more cause to complain than any other person, and that I have not the slightest responsibility therefor. I first met Mr. Hersey in the Pension Office, where he was employed as assistant chief of the western division. I was introduced to him by Mr. R. A. Durnan, then and still chief of that division. I understood that he had been connected with the Pension Office for a number of years, having, I think, been formerly appointed from Massachusetts. This was in the winter. I do not remember to have met him again until early in the summer following, when he called on me at the House. He then told me that he had lost his place, and that he had opened an office here in this city as a pension attorney; that necessarily his business would be light, and that he wanted to make an arrangement with me, in connection with other members of Congress, to assist us in whatever work we might need to have done in the Pension Office. I made inquiry about him and learned that he was considered entirely competent and reliable. I needed such a person, and employed him at the rate of $20 per month. The arrangement was that he should furnish me with such assistance and information as I might require of him in relation to all matters connected with pensions, and for this purpose he had authority to use my name on Congressional call slips.

During most of the time he worked for me pension attorneys were allowed four days out of every week in which to examine their cases.

Those living here and such as were able to come could, under the rulings of the office, see the papers in their cases, but those who were not able to come had no other method of learning the status of their cases except by corresponding with the Bureau or calling to their aid a member of Congress. I learn that recently there has been some modification of this rule. I do not know whether the Pension Office makes any pretense to correspondence with nonresident attorneys for status of claims; I do know that hundreds, and I might say thousands, of complaints have been made to me by claimants and attorneys to the effect that their letters and communications are wholly ignored. As a sample of such complaints I submit these letters. I think I can say that I have received like letters from almost every State and Territory in the Union.

AUBURN, IND., *March 10, 1892.*

DEAR SIR: Why is it that applications for pension under act June 21, 1890, which were executed and filed within the last six months, are adjusted and allowed in preference to applications under same act executed in July and August, 1890? I filed an application for Albert Robins in July 27, 1891, which claim was allowed January 30, 1892. He is a stockholder in Farmers' Bank, and is also cashier, and in good circumstances financially. I also filed application for Vincent Dilly, October 22, 1891, and his claim was adjusted and pension granted February 25, 1892.

Now I will give you two cases of the other extreme. I executed application for pension under act June 27, 1890, for John Perce, August 1, 1890, and I have repeatedly written the Department asking to have his claim adjudicated. Also called up his claim through you or Voorhees, I do not remember which of you, and up to date neither he nor myself have received any word from the Department, with the exception that he was ordered for examination (April 8, 1891, when examined). Here is another: John C. Woodford executed his application for pension under act June 27, 1890, July 24, 1890, and up to date he nor myself have not received any word from the Department, except a card acknowledging the receipt of his claim. He has not been ordered for examination, and the same effort has been made to have his claim acted upon. I could give a number of other cases similar to these, and I would like for you to look up this matter and see whether it can not be remedied. If you think best you can hand this letter to the Pension Department Investigating Committee. There is certainly something very rotten in the system employed in the Pension Department.

Yours,

Dr. W. H. NUSBAUM,
Pension Attorney.

Hon. C. A. O. MCCLELLAN, M. C.,
Washington, D. C.

HILLSBORO, ILL., *March 22, 1892.*

SIR: I would respectfully call the attention of your Committee on Pensions of a case of the most flagrant neglect and outrageous treatment of a pensioner on the part of the Pension Bureau that ever come to my knowledge, and would ask your assistance in righting the matter.

James McGraw, Company D, Thirty-seventh Regiment Illinois Infantry Volunteers, was allowed a pension of $12 per month May 13, 1891, but has not been paid on this allowance 1 cent. Since which time the attorney in the case has written to the honorable Commissioner five times, to the Hon. Isaac Clements, United States pension agent, twice; to the President once; to the Secretary of the Interior once; to the Hon. E. Lane, M. C., seventeenth Illinois district, twice; to Mrs. Logan once; and lately a petition signed by all classes of people who know the soldier as a worthy man and needy. No response of any kind whatever has been received from the Pension Bureau in reply. Advise me of your action in the case, and oblige, respectfully,

LOUIS WAGNER.

Hon. Mr. COOPER,
House of Representatives, Washington, D. C.

By Mr. PAYSON:

Q. Give me the name of the soldier and his service, please.—A. Yes, sir. James McGraw, Company D, Thirty-seventh Regiment Illinois

Infantry Volunteers. I will state, as I have not that in my statement, and perhaps the reporter must take this—I will state, so that it will save Mr. Payson the labor of looking it up, that I turned this letter over to Mr. Hersey, and he made an investigation to see what the cause of this unusual delay was. It appeared that the soldier's certificate was sent to Hillsboro, Ohio, and, not being called for, returned to the office. That explains why he did not get his certificate, but it is not explained why these communications received no kind of attention from the office.

Q. This certifiate was issued, then, in due time?—A. No, sir; the certificate was issued in last May, nearly a year ago. It was sent, as I have stated, to Hillsboro, Ohio; and, of course, that not being his address, it was returned by and by, I think, to the certificate division, and remained there for a while. It has not yet reached the claimant. Mr. Hersey made the same kind of application for this man, who is not even a constituent of mine; at my request, made some kind of an application, so that the soldier was allowed, pending the looking up and sending of his certificate, to make a draft for its pay or something of that kind, but I understand the certificate has not yet reached him.

The following letter was offered in evidence:

CEDAR HILL, JEFFERSON COUNTY, MO.,
February 17, 1892.

DEAR SIR: I see you are going to investigate the Pension Office. I herewith inclose papers from George E. Lemon to a comrade of my post, Frederick Lundermann, received December 26 last. The circumstances are: Luderman is a pensioner under the act of June 27, 1890, and more than a year expired before he received an order to go before an examining board, although he wrote to Pension Commissioner asking for an order, and December 26 he received the order through George E. Lemon.

Ludemann was his own agent; never employed Lemon in his life; did not send his papers back to Lemon, but sent it to the Pension Commissioner.

The trick is this: had he sent it to Lemon it would have been filed by him, and then Lemon would have sent him a contract to sign to pay him $10. Now, Lemon must have a bargan with some one in the Pension Office to send to him the papers belonging to parties having no attorney (like Hamlin, of Maine, when rafts were broken up he claimed all the unmarked logs), and it ought to be easy to find who sent that paper to Lemon. Ludemann's number is 517698, B, 47th Mo. Inf.

This is not by any means the first time this dodge has been played, but it is the first time the papers have been kept. The es. paper is not there, of course, but it can be sworn to by the commander and quartermaster of John D. Rohye Post, 314 G. A. R., Department of Missouri, Cedar Hill, Jefferson County, Mo.

It is no use bucking against Lemon, but the one who sent him the papers ought to be made to squeal.

Very respecfully,

JOHN BUXTON.

Hon. COOPER,
Washington, D. C.

There are over 2,000 persons employed in the Pension Office, and yet it appears that there are claimants and attorneys everywhere, except in the city of Washington, who are so desirous of gaining some information in regard to their cases that they are willing to pay for it. I make no excuse for anyone who violates the regulations of the office or the confidence of a Congressman to obtain this information to supply this demand, but I venture the assertion that it will be perfectly clear to attorneys and claimants living away from here that the policy pursued by Commissioner Raum to bank up all this business in the hands of Washington attorneys, among whom are his son and the indorsers of his commercial paper, is much more a crime against them and their interests and a debauchery of the public service much more harmful than furnishing such information even for compensation.

Whatever Mr. Hersey did in the way of furnishing this information in

the manner charged by the Commissioner was done without my knowledge or consent, as he has already testified. The Commissioner has shown that he was cognizant of facts as early as September last which led him to believe that Mr. Hersey was abusing my confidence. Indeed, in January of this year Mr. Raum asked me whether Mr. Hersey was authorized to sign my name, a thing which I think he already knew, and yet, instead of telling me his suspicion, he did everything in his power to bring about his fall; arranged, as he himself has testified, to have him bribed; and in the hope that he might somehow entrap me, has spread a net over two or three States and called into requisition the spies and informers who are his creatures and do his bidding about him.

The first information I had that Mr. Hersey was receiving pay for work done over my signature was when I received the letter from Morgan containing $25. I immediately sent for Mr. Hersey and told him I could not allow him to receive pay for that kind of service, and returned the money to Mr. Morgan in the following letter, which explains itself:

HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., March 11, 1892.

DEAR JIM: Your letter containing $25, which you say is for Mr. Hersey, came while I was out in Indiana. So soon as I returned it was delivered to me. I have been very busy or should have answered immediately. I wished to see Mr. Hersey before doing so. I had not fully understood what it was you wished him to do for you. From your letter it seems you have sent him the money to pay him for calling up cases. Of course, Jim, I can not allow you to pay Mr. Hersey for that kind of work. He is in my service, and it is only as my secretary that that work can be done for you. I have called up thousands of cases, and have always done it cheerfully, but I have never received, nor knowingly allowed any one connected with me to charge, a cent for that work—not even a postage stamp. I shall not, therefore, allow you to pay anything for that service. It is not right. It is a burning shame that the office, with 2,000 employés, can not or will not carry on the necessary correspondence with claimants and their attorneys. However that may be, I am clear that I ought not to allow you to pay Mr. Hersey anything while he is in my service. Whatever is done by me in that direction is done in the line of my duty, and is so to be regarded. I will do the best I can for your cases, but not for pay. I therefore return the money.

GEORGE W. COOPER.

Your letter to Mr. Hersey came this evening, and was opened by me by mistake. I have stated my position to Mr. Hersey, and the matter is satisfactory to him.

Yours.

COOPER.

MR. JAS. F. MORGAN,
Bloomington, Ind.

Morgan was from my district. I devoted some time to him while here.

By Mr. ENLOE:

Q. I would like to know what relationship exists between you and Mr. Morgan. You addressed him in the letter as "Dear Jim."—A. My letter, I think, or my statement, shows that; I will be very glad to tell you what. Mr. Morgan is a constituent of mine. Let me read this, and then I will supplement my statement. While he is a Republican and has always fought me politically I never suspected him of perfidy. I did my best to enable him to see all matters and points of interest about the city, and showed him through the Capitol. I took him to the Pension Office with me and it was in his presence that Raum asked me whether Hersey was authorized to use my name. He expressed a desire to meet Hersey, and I took him to his office and made them acquainted. It is not true that I said to Morgan that Hersey would work

for him for pay, nor that anything whatever was said upon that subject. It seems very clear to me now that that was what was in Morgan's mind; that his business with me was to get some such statement, but he did not get it. I wanted to serve him freely as I had always done before, for I never made any distinction among my constituents upon political grounds when it came to looking after their individual interests. And I say here that never at any time did I ask or accept one single cent for any service growing out of my connection with my public service, neither directly nor indirectly, and I defy any human being to show to the contrary. I make this declaration hoping, and so far as I am able, intending, that it shall go to every home in my district, and with the consciousness that I can confront here and hereafter every soul of that dear people who have honored and trusted me, and show them clean hands and a conscience void of offense.

In answer to your question about Mr. Morgan. I knew Mr. Morgan at Bloomington. I attended school and graduated at Bloomington, and married my wife there. She was a member of the Christian Church at that place, and I afterward became a member of the same church at Columbus, and when I returned to Bloomington she always visited that church. Mr. Morgan was a member of that church latterly, and I thought he was a good man and was trying to do right. He came here and came to my residence and called upon me, and as my custom is, and the custom of members of Congress when a constituent comes here, it was a pleasure to me to make it pleasant for him, to see all the points of interest, and not fail to be well entertained during his stay, and, feeling so toward him, I endeavored to make it pleasant for him, and I felt kindly to him, and, in a letter growing out of these relations to him, I called him "Dear Jim." We spent a good deal of time about the Capitol. I took him into the galleries and pointed out public men to him; I took him to the Land Office and introduced him to a friend of ours out there whom I thought he ought to know—a young Republican by the name of Steele, whom I think is a law clerk in the Land Office, and we called at the Pension Office; and while at the Pension Office I said as much in the way of a joke as anything else, "I will introduce you to the Commissioner." I took him in and introduced him to Commissioner Raum, because Morgan was a Republican, and I knew that Raum had been at Bloomington, and I thought possibly they were acquainted, or would be glad to meet Morgan, and I introduced him anyhow.

On that occasion Raum asked, rather abruptly, if Mr. Hersey was authorized to sign my name. I told him he was. I did not then suspect that Mr. Hersey was abusing the privilege that was accorded to me by the use of my name.

By Mr. ENLOE:

Q. You entertained Mr. Morgan at your house while he was here?—A. I am not keeping a house here, and he was not at dinner with me; but he was at my rooms more than once; and I spent much time with him and entertained him otherwise as well as I could.

Correspondence between Mr. Hersey and Mr. Peet is set out at length, and it is charged that he is related to me. He is not related to me, but is a brother-in-law to my brother. I never had until the publication of these letters the slightest intimation that such correspondence was going on. Mr. Peet as an employé of the firm of Maring & Slusher had seen some of Mr. Hersey's work for me, which I had sent to claimants living in that vicinity. He told me that he was going to Kansas to start up for himself, and he would like to have a Washington partner,

and thought Mr. Hersey would suit him, and asked me to recommend him to Mr. Hersey. Mr. Hersey's letter, which the Commissioner gives, shows that he had some such purpose. I believe that he contemplated a regular and honorable business engagement, and never thought of the matter afterwards. I have been absent from Columbus most of the time since, and we have had no correspondence upon that subject. Indeed I have been at home within the last ten days, and he must have known that I was there, and although his deposition had then been taken and the Commissioner supplied by him with every scrap of evidence which he supposed would reflect upon me, he did not inform me of it, nor did I see him. He was then, and I presume is still in the employ of John N. Maring, of whom it now becomes necessary for me to speak at some length.

Mr. Maring is a Republican. He was at one time favorably mentioned as a possible candidate against me at the polls. When I first became a member of Congress, which was on March 4, 1889, he was doing a very extensive business. I then knew absolutely nothing about the pension laws, never having been employed in any way in relation to such matters. He came to my office and said that he desired the use of my name in calling up the cases of "the boys;" that it was usual for Representatives and Senators to make such calls, and I think he exhibited to me one signed by Senator Turpie. On his representation that such was the custom I consented. It was my understanding, however, that this privilege was only to be exercised in behalf of soldiers in my district. I afterwards learned that he was using it generally in his business, and called up claims all over the country. I then wrote to Commissioner Tanner and told him that while I had authorized the use of my name I had expressly limited that privilege to soldiers of my district. I can not give this letter for the reason that I kept none of the correspondence, and Commissioner Raum, for purposes which will be perfectly plain, has either destroyed or in some manner suppressed the whole of this correspondence. If that letter and my other correspondence with Commissioner Tanner were produced Raum's criticism would be answered in advance. Under this administration of the Bureau a practice of abstracting documents from the files has become so common that it has acquired a name, and is called "skinning the files." The practice is to go through the papers and take out anything that might reflect upon the Commissioner or benefit anyone who opposed him. This statement, if the committee has not already done so, can easily be verified. I will show that it was done in my case. I have called upon the Commissioner for these letters, and he says he can not find them. I asked for the letterpress copy book used by Commissioner Tanner that I might see the copies of his answers to me. He said "Commissioner Tanner took a lot of that stuff" away with him, and he presumed that he had it. I knew better, but I did not leave it there, but addressed this letter to Commissioner Tanner:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 9, 1892.

MY DEAR SIR: Do you remember having had any correspondence with me upon the subject of Congressional calls while you were Commissioner of Pensions; if so, are my letters or copies of your answers thereto in your possession? If not, please state what disposition, if any, you made of them. I will be glad, if you can do so, to have you give your recollection of the contents of any such letters.

Very respectfully, yours,

GEO. W. COOPER.

HON. JAMES TANNER,
Washington, D. C.

LOAN AND TRUST COMPANY BUILDING,
Washington, D. C., April 11, 1892.

MY DEAR SIR: Yours of the 9th instant is at hand and contents noted.

I remember very distinctly having some correspondence with you on the subject of Congressional calls, in connection with the firm of Maring & Slusher, of Columbus, Ind.

Regarding your second inquiry as to whether your letters, or copies of my answers thereto, are in my possession, I have to answer no. It was official matter, and was left in the files of the Pension Office when I retired. My recollection of the matter is that I learned that there were a great number of calls relative to the claims in which Maring & Slusher were attorneys, which calls bore what assumed to be your signature. I think, in fact I am very positive, that it was reported to me that there were about 2,800 of them. I had a letter from you stating that you had authorized them to use your name on call-up slips, but stating that it was your understanding that your name would be used in that connection exclusively regarding cases of applicants for pension who were residents in your district only.

If the honorable Commissioner of Pensions was correctly reported in the daily press a few days since, then I think he must certainly have been somewhat mixed, and confounded you with the senior Senator from your State, the Hon. Daniel W. Voorhees, for I remember that in connection with that matter I was informed that the same firm had, while Gen. Black was still Commissioner, presented some 5,000 call slips, with Senator Voorhees's signature attached. I am clear in the recollection that the 2,800 calls above referred to (and which I ordered destroyed) were the first ones, in my experience as Commissioner, that your name had any connection with. This matter came to my mind when I read the testimony of the honorable Commissioner, in giving which he located the 5,000 cases under Gen. Black. You, if I recollect, came into office as Gen. Black went out.

Very respectfully, yours,

JAMES TANNER.

Hon. GEO. W. COOPER,
House of Representatives, City.

I knew that this correspondence should be among the files in the law department—among the papers relating to Maring's record as an attorney—and I went and examined there. Not one scrap of paper bearing my name was among those papers. Then I knew that someone had "skinned the files," and, suspecting the party most interested to be the guilty one, I went immediately to the Commissioner's room and asked him for the papers, with the result before stated. I remembered, however, that when, at one time early in the investigation, he thought he could damage me by associating my name with Maring's, he threatened me with a long telegram, which he said he had in a bundle of papers held in his hand, in which I asked the Commissioner not to disbar Maring until he could have a hearing. I called Raum's attention to this, and asked him what had become of my message. He then remembered that he had that, and produced it from among his private papers. In answer to my question why it was not with the files, he said he thought he might have use for it, and wanted it in safe-keeping. In view of this, can anyone have any doubt as to where my other letters are, or that the reason they are not produced is that they would confound and condemn him?

Early in September, 1889, Maring received notice that he would be disbarred for some irregularities in his business, the particulars of which I do not remember. I know it was nothing that grew out of my relations to him, and at his request I united with Mr. J. I. Irwin, a leading Republican and banker of Columbus, in requesting that he be given time to answer. This was the substance of my dispatch, and is the one which the honorable Commissioner abstracted from the files. By this time I began to think that it would be better for me to cut loose from the leading Republican, and possible competitor, Maring, and that it would be better for me to have him for a political opponent than a personal friend. So I resigned all claims on him, and the relations

shifted. Commissioner Tanner gave place to Raum. Raum began his methods, and I began to investigate them. Early in the fight Raum conceived the idea that he could smirch me with Maring's name. He searched the records and "skinned the files" for my correspondence.

Speaking of Maring, he referred to him as my man Maring. However, this did not last long, for Raum determined to invade my district and endeavor to break me down before the people. He has already admitted here how he prostituted the Pension Office in that contest, furnishing information, not to attorneys, who might have some honorable reason to require not to damage themselves, but to a private citizen; not for money, it is true, but from malice, which is worse. For a similar offense he has recommended the disbarment of Mr. Hersey. What should be done to the Commissioner? When he made up his mind to go to my district it occurred to him that he might need Maring, so from that time on they have slept in the same bed. But, to make sure of him, on August 5, 1890, he had a letter written by the law clerk recommending that he be disbarred. It appears, from the jacket which contains the papers in the case, that this recommendation was sent to the office of the Secretary of the Interior, and on that date, viz, August 5, 1890, but it never reached the Interior Department, at least it had not a few days ago, when Secretary Noble kindly had a search made for it at my request. I have heard that the Commissioner carried that document to Indiana with him, when he went out to stump my district. I do not know that this is true, but I do know that whereas Maring had been very bitter against Raum, on account of the now notorious order of the completed files, about the time Raum was to arrive in Indiana, he published in the local papers a long card, in which he gave the Commissioner and his order his unqualified indorsement; that he met the Commissioner at the station in Columbus and marched about the streets with him, and I have been told that they had a private consultation in Maring's office. I know that they have coöperated together from that time to this; that under the stimulating influence of this suspended recommendation for disbarment he swore in these papers, filed by the Commissioner, that the number of imitation Congressional call slips which he had printed was 40,000 or 45,000, whereas the man who printed them swore that the number was only 5,000, and stated that he took the number from his books. I quote from his evidence:

Q. (Mr. Mitchell). Mr. Maring, in a statement made before me, said he had 40,000 or 45,000 of these slips printed by you. Could you be mistaken as to the quantity printed?—A. No, sir; I take the quantity from my books as charged for at the time.

Maring came within 40,000 of the number, but that is close enough for the Commissioner. I do not know whether Maring is guilty of the long list of offenses which they have catalogued here against him, and the specifications of which are contained in this mass of papers. As he is my neighbor I am inclined to take the charitable view of the matter. It is believed by nonresident attorneys generally, if I may trust to their letters, that they are dealt with in a summary and oppressive manner. They should come here and get on the Commissioner's notes. It is, however, very clear that Mr. Maring is not in a position to speak freely, and it seems to me that slight weight should be given to whatever he might say at the instance and procurement of Raum.

As to all these slips of Maring's I have this to say: I gave him the use of my name on his representation that it was usual and necessary to the proper and speedy adjudication of the soldiers' claims. As I have explained, I then knew nothing of the routine work of the Bureau.

I corresponded freely and fully with Commissioner Tanner about it. He and I did not differ. If my correspondence were produced this whole vile slander would fall immediately to the ground, or about the head of its authors. He is the legal custodian of the correspondence. It is in his possession, or he has destroyed it.

As to the affidavit of David L. Gitt, that Gen. Black threw into the waste-paper basket a great number of my slips in 1888, that is already answered by the letter of Commissioner Tanner. I was not then a member of Congress. This affidavit, while it puts Mr. Gitt in a very awkward predicament, also serves to show how eager and utterly reckless the Commissioner is in seizing upon everything that might reflect upon me.

Q. Who is Gitt?—A. He represents himself as a real estate agent here in the city of Washington.

Q. Lives here?—A. He lives in the city of Washington; he gives his address in his affidavit. I earnestly hope the gentleman is mistaken.

By Mr. DUNGAN:

Q. Was he formerly an employé in the Pension Office?—A. Yes, sir.

By Mr. ENLOE:

Q. What division?

The CHAIRMAN. Chief of the mail division.

The WITNESS. I do not want to state that a man has willfully committed perjury, and I do not charge that.

To further illustrate this I call attention to his own sworn statement made here when he submitted the case. He stated that while Mr. Hersey represented himself as private secretary to a number of other Congressmen, he made no discovery that he had used any other name than mine in this kind of business, and yet the very papers he files contain as exhibits the letter of J. G. Greenwalt, his own examiners, and the copies of slips showing that five cases were called up by other members. This is not an oversight, but a deliberate falsehood, for, in his letter to the Secretary transmitting the papers he calls attention to these five cases, and explains how he came upon them. The country will understand why he desired it to appear that no other names than mine were used.

I do not stand upon terms, but I hardly think it is fair in this connection to say that Mr. Hersey was my private secretary. I never so considered him. I have a private secretary, a young gentleman whose name is Emerson Johnson. I live with his father here on the hill by the Capitol. Mr. Johnson is a constituent of mine, and was a clerk in the Sixth Auditor's Office under the last and part of this administration. You gentlemen know how vast and varied the work of a member of Congress is, and how absolutely essential it is that we have help. Young Mr. Johnson is 16 or 17 years of age; goes to school half the day and gives the balance of his time to my work. He opens all of my mail and classifies it. The calls for seeds and documents he usually takes and attends to in person. The pension mail he puts in a separate place, and Mr. Hersey sends his young man after it. I have not seen Mr. Hersey a dozen times within a year. In view of this it seems hardly fair, I repeat, to say that Mr. Hersey was my private secretary. It seems to me that he was rather an attorney employed by me and paid out of my own pocket to see that the soldiers of my district got fair treatment in the Pension Office. This was the purpose of his employment. This is what I paid him for.

Subsequently Hon. Geo. W. Cooper testified as follows:

The WITNESS. Since I was on the stand before I have received through the mails a letter from my brother who lives at Columbus, Ind., and who is my successor in the business there, still nominally my partner, and he has found among my papers there my letter to Commissioner Tanner and his reply—a copy of my letter and his reply.

By the CHAIRMAN:

Q. The one you referred to this morning?—A. Yes, sir.

COLUMBUS, IND., *August 3, 1889.*

DEAR SIR: Some time ago when I had no Congressional call blanks, pension attorneys Maring & Slusher proposed, as a saving of labor to me, to have some printed. I could see no impropriety in it, and yet it occurred to me that I ought to consult you about it as your name is printed upon the blank exactly as in the original, and for further reason that in a former letter you decided to not consider calls made for attorneys as coming within the courtesy extended to Congressional calls. I send these for your inspection and information, and beg you to say whether I may as occasion requires use them. I am now out of Congressional call blanks, and will be glad if you will send me a new supply at once.

Respectfully,

GEO. W. COOPER.

COMMISSIONER OF PENSIONS,
Washington, D. C.

By Mr. PAYSON:

Q. What is the date of that?—A. This is August 3, 1889.

By Mr. DUNGAN:

Q. Is that the letter you said Raum said he could not find in the office?—A. This is a copy of it. My brother found a copy. That is a copy. I have also the reply of Commissioner Tanner, which I would also like to put in evidence.

Q. Now—Tanner's letter is the original?—A. Yes, sir.

By Mr. PAYSON:

Q. Did you make a manuscript copy?—A. Yes, sir; I had no letter press, but I wrote off the copy. It is in my own handwriting.

By the CHAIRMAN:

Q. Read the other two.—A. (Reading letter:)

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, D. C., August 7, 1889.

MY DEAR SIR: In reply to your letter of August 3, inclosing sample of Congressional call slips printed in your locality, with your name attached, and, as you say, by your authority, I must say to you that most assuredly that thing can't go.

If you give this one instant's thought you must appreciate that it will not do to have the printing presses of the country operating on that line. If the firm referred to continue to use them I shall certainly recommend their disbarment.

Very truly, yours,

JAMES TANNER,
Commissioner.

Hon. GEORGE W. COOPER,
Columbus, Ind.

By Mr. DUNGAN:

Q. Did you notify the pension firm of that?—A. Yes, sir; I have, I think, in my pocket a copy of the letter. I notified them, yes, sir; and they promised of course at once that they would stop the use of them,

and have no doubt they did, from this letter which I also shall put in evidence. This is dated August 7.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.
Washington, D. C., August 7, 1889.

DEAR SIRS: I am informed that you have printed "Congressional call slips" with my name attached thereto. While you may not be aware of doing anything wrong it is regarded by this office as a serious offense, and I have to request that you will destroy or forward to this office all such blanks now in your possession and refrain from their use in the future, or I shall be compelled to recommend your disbarment from practice before this Bureau.

Very respectfully,

JAMES TANNER,
Commissioner.

Messrs. MARING & SLUSHER & CO.,
Columbus, Ind.

To which Maring, Slusher & Co. made this reply:

COLUMBUS, IND., *August 29, 1889.*

Respectfully returned with information as follows:

That the printing of such slips was unknown to us as an offense, and has been entirely discontinued, and that all such blanks in our possession have been canceled and destroyed, and the orders of your honorable Department cheerfully complied with.

Very respectfully,

MARING & SLUSHER & CO.

The point I desire to make, and I wish to call attention to it, is that I am the first one to call the attention of the Department to what seemed to me to be an abuse, and that it was in obedience or pursuance of information acquired from me that the matter was suspended and corrected.

Q. Is that a copy of the letter now on file in the Bureau of Pensions?—A. On file in the law department. Mr. Bailey is chief clerk of the law department.

Q. I remember him, he was here.—A. The other correspondence, which I first read, I have explained. It came this afternoon. These other things which I think are in the Bureau, but I could not get them by any means that I had power to command. I want to call the attention of the committee to some things which I look upon as entitled to their consideration.

TESTIMONY OF G. W. M'ELFRESH—Recalled.

By the CHAIRMAN:

Q. You may state in your own way what you desire to say.—A. There was one omission I would like to make. I was asked yesterday if I had not reported to Mr. Taylor that I saw Capt. Cook go into Mr. Latourette's office, and I answered that "No," which is correct. I failed to state all. I reported to Col. Butterfield that I saw papers pass between Capt. Cook and Latourette. That is the correction I want to make.

By Mr. ENLOE:

Q. I want to ask why it was that you were transferred by Col. Butterfield from the special examiners' division?—A. Well, Col. Butterfield told me that it was because I was a friend of Theodore Smith. I asked him about it, as to that, and he told me—I could tell you the whole conversation if you will allow me to state it.

Q. I would like to know the reason why, because I want to know what Col. Butterfield's idea was to have you transferred. Was it because you were a friend of Smith?—A. He took me to his private room and he said, "You and your friend go to see Capt. Peck and Mr. Ketcham." He says, "But nobody did not come to see me," and he said, "You went to see what the Commissioner said." I told him I did, and I did not want to be transferred. I had a tolerably good place. He says, "Well, I have nothing against you, George, but it is a notorious fact that whenever Theodore Smith comes into the building you are out in the corridor talking to him." I told him that would occur not only in the building but out of it; that we have been friends for twenty years, and that nobody but Mr. Smith could make me his enemy." He then said, "Don't you know that Smith and I are not on very good terms?" I told him I didn't, and if I had it would not have made any difference.

Q. And so he transferred you?—A. That is the reason he gave me.

By the CHAIRMAN:

Q. You were transferred?—A. I was transferred to the law division.

By Mr. ENLOE:

Q. He did not say anything about supposing that you might be furnishing Smith information about matters there that he did not desire Smith to have?—A. Oh, well, no, sir. When he made the remark that "nobody had come to him," I said, "Well, colonel, if you had been placed in my position you would not either." He said, "Why?" I said, "I understand you said I was carrying information out of the office."

Q. That is the point?—A. He says, "That is not correct, sir; tell me your informant and I will make him retract, or there will be an issue." And I says, "I will not tell you."

By the CHAIRMAN:

Q. You said that?—A. I told him I would not tell him. I also said further that I had never seen anything in the office that was worth carrying out as a messenger.

Mr. ENLOE. That is all.

Here the committee took a recess until 1 o'clock.

AFTER THE RECESS.

Upon motion of Mr. Enloe the following paper was made a part of the record in this investigation:

STATEMENT OF MR. GEORGE W. MORSE.

Gen. BUSSEY. Mr. Donohoe has made charges against Maj. Barker with regard to some financial transaction had through you; state what you know about it.

A. Well, it was along about the 1st of January when Mr. Donohoe came to me and wanted to know if I had any money. I told him I had a little, and he told me that Mr. Barker wanted some, and that he would give his note for it. So I let him have $50 for a month, and the note was to be left at Mayse's bank. It was left there, I think, in February; about the 3d a new note was given for the amount ($50), and that also left in Mayse's bank, and that note was there until a week ago Saturday, when I took it out. I sued Mr. Donohoe, the indorser of the note, before Justice O'Neal, and got judgment for the amount, after which Mr. Barker came to me with the money ($50).

Q. Was service rendered on him when the note was sued?—A. No, sir; notice was served on Mr. Donohoe.

Q. Well, who made the note that was sued upon?—A. Mr. Barker signed it and it was indorsed by Mr. Donohoe.

Mr. BARKER. Where was that indorsement placed on; in your room or in my room?

A. When the note came to me it was signed by you and Mr. Donohoe.

Q. You never saw where the indorsements were put on?—A. I never asked Mr. Donohoe to.

Q. Was I notified? Did he tell you that I was not to be notified?—A. I don't know just exactly. I had thought that you both would be notified.

Mr. BARKER. It was on Tuesday morning I paid the money, when I found that judgment had been obtained from Mr. Donohoe.

By Gen. BUSSEY:

Q. What was your connection with this note, Mr. Donohoe?—A. Maj. Barker came to me; he was in trouble, and wanted to get some money, and asked me if I could not get him some. I went up to Mr. Morse and said, "Let me have the money on my indorsement." I indorsed it, and waived protest on the first note. The second note, I think, went to protest. I had spoken to him several times, and had told him Mr. Morse had spoken of it, and he said that he would pawn his watch before I should pay it.

Q. When judgment was got against you did you also understand that judgment was got against Mr. Barker?—A. I understand so, though I don't know exactly.

Q. Who made a demand on you for the payment?—A. As far as the justice was concerned? The bailiff. He gave me the summons.

Q. And did you appear? Did you pay the note?—A. No, sir; I went and got a criminal warrant out against Mr. Barker.

Q. Why did you do that?—A. I wanted to have him pay it.

Q. How long had it elapsed?—A. I think it was between Saturday and Monday.

Q. How would you like to be treated that way?—A. I would think it right if I had done as he did. No judgment was rendered until Saturday night.

Q. Did you demand payment?—A. It was 2 o'clock on Saturday afternoon; he says that I wrote him a note, and then he relieved me from the charge I had, and he was mad, and I was mad, and Mr. Morse and I got the warrant.

Q. You got a criminal warrant without giving him an opportunity to pay the money on the judgment? He says that no notice was served on him.—A. That I don't know anything about.

Q. Do you know anything about that, Mr. Morse? What was the object of leaving Mr. Barker out when you ordered Mr. Donohoe sued?

Mr. MORSE. I spoke to the justice before I sued the note, and told him that I didn't know anything about the District laws, and I understood that both would be notified. I supposed all the while that both were notified.

Mr. BARKER. Didn't you go with him, and didn't the judge tell you that I was not to be notified; that Mr. Donohoe was to be sued?

A. Yes, sir.

Gen. BUSSEY. Doesn't this look a little like a conspiracy for the purpose of getting Mr. Barker into a position where a criminal prosecution could be taken against him?

A. No, sir.

Maj. BARKER. On Saturday afternoon late the summons was got out; on Monday it was made returnable; on Monday afternoon I was notified that unless I paid it by 4 o'clock he would commence criminal proceedings; on Saturday you got the summons. On Monday afternoon, sir, the judgment was obtained; on the 19th you wrote me this note, that Mr. Morse "had obtained judgment against me. Unless this is paid by to-morrow afternoon at 4 o'clock I will obtain a criminal warrant against you." On the 20th I took Mr. Landon with me, saying that if "he refuses to give a receipt I want you to witness the fact that I have paid him." He saw Mr. Morse give the receipt, and asked you where the warrant was, and you said in the hands of an officer. I searched all the courts and could not find a warrant against me anywhere. There was no warrant. I asked you to produce the warrant, and you went into a little place on Sixth street and came out in a moment with the warrant and tore it up in my face. Mr. Morse then asked us to dinner, but I said "No, we will go and take a drink, lemonade, sarsaparilla, or something," and we walked up Seventh street and got a drink, and Mr. Morse then said, "Why can't we be good friends?" I said "I can't understand why three old soldiers can't be." Mr. Morse said, "I want to be good friends." You (to Mr. Donohoe) went from there immediately to La Tourette's office, and that afternoon you signed and filed charges with Mr. Chandler, or somewhere where it got to Mr. Chandler, after all this business had been presented. But you didn't get me out; you had not reached your point. Now, Mr. Donohoe, were you ever arrested for conspiracy?

A. Yes.

Maj. BARKER. I went to see Mr. Guthridge yesterday; waited an hour; and then sent word to his house that I wanted to see him. He came in about 6 o'clock, and said, "Major, you have been villainously slandered by the Herald. I shall send for the person who wrote the article." In a few minutes a gentleman came in, and he said, "I want to introduce you to Mr. Fleming, the writer of that article." I asked Mr. Fleming where he got the article from. He said from people connected around the Pension Office. I asked him if he was satisfied as to the truth of it. He replied, "Well, I am here to write up the Pension Office in all particulars. I print whatever comes along." "Do you not always look for the truth?" "Well, when I prove it I think it is the truth." I have made an affidavit that Assistant Secretary Bussey is no relation to me, nor I to him, he to my family, nor I to his family; that the first time I met him was in the speakers' bureau of the national committee in 1888. Then I said to him, "Will you make a retraction of this article?" He said, "No, but I will retract so far as Gen. Bussey is concerned." "An investigation will take place to-morrow morning. Will you come to my room? I will see that you have a safe passage into the Commissioner's room." He was there and Mr. Whitehead, of the Post, was there. He said, "I will not go downstairs; Mr. Whitehead will answer all purposes. I will not give anybody a chance to assail me in any way, and I am not going anywhere to be insulted." With that he bade us good day, and said he would be willing to abide by Mr. Whitehead's statements. He admitted that he was the author of the article.

Mr. DONOHOE. Did he tell you that I gave him the information?

A. No, sir.

Q. Were you ever arrested for perjury—ever tried for perjury, and did not you get off on a technicality?—A. I never got off on a technicality; I was acquitted by the court.

Maj. BARKER (to Gens. Bussey and Raum). Now, gentlemen, you see this is the kind of man that I have to combat with.

Maj. BARKER (to Mr. Donohoe). Have you ever got a criminal warrant for Mr. Ford? How long has Mr. Ford owed you?

(This question was objected to as unnecessary and the witnesses were excused.)

Q. Did he assume as much?—A. Yes, sir; he did.

Gen. W. W. Dudley, coming in at this moment, was asked if he had any knowledge of the matters under consideration, and he replied that he had had nothing whatever to do with it in any shape or form. Had not gone to Secretary Chandler with regard to the matter, and that he would not interfere with Gen. Raum's management. Had always held that the Commissioner should run this Bureau, and should do as he thinks best about it in regard to the men under his authority. "My relations with Mr. Barker began in the national committee, when he was brought to us and recommended for employment in the position of assistant in the speakers' department. His duties were discharged there with fidelity and zeal, so much so that he gained the friendship of every man on the committee."

STATEMENT OF MR. R. A. REAGAN.

Q. (By Mr. Barker.) About a month ago did I speak to you in regard to a note that I owed Mr. Morse?—A. About a month ago?

Q. On the 15th of last month did I say, "Take $20 and pay Mr. Morse?"—A. Well, you spoke to me, I think, about the note, and wanted me to pay Mr. Morse so much out of your salary.

Q. Didn't Mr. Morse agree to wait till the 1st of this month?—A. Well, you told me to pay it. I went to Mr. Morse and spoke to him about it, and he asked me if you had given me an order to pay it to Mr. Morse. I told him you had not. Then I spoke to you about it and you wrote an order. I presented the order to Mr. Morse telling him what you had told me to do, and Mr. Morse looked at it and said the major's name was not there. I suppose, maybe, he forgot to put his name to it.

Q. Was not the judgment obtained against me about the 15th?—A. He said it would be all right the 1st of the month, if I got the order. The name was not on the order.

Q. You had the authority to collect it?—A. Yes, sir.

Q. And you told Mr. Morse it would be paid?—A. If I drew the money; but it went on, and the 1st of the month I would need over $15.

Q. Mr. Reagan, I have made an affidavit that I owed you $40. Is that right?—A. That is the amount.

Q. Have I paid according to agreement?—A. Well, you have been paying me some all the time. I have been perfectly satisfied with the arrangement.

Mr. Reagan further stated that he had the major's orders for his pay for four months.

STATEMENT OF MR. JOHN KELLY.

Q. You are charged with borrowing money; Mrs. Smith says you owe her?—A. Yes, sir; $10.

Q. Isn't that a very small sum of money to owe a lady?—A. Well, sir, I was turned out of office and was out nineteen months, and was very much in debt. I borrowed $20 of her and returned her $10; then I afterwards offered her the other $10, but the day I returned it I told her I was so much involved that she said I might keep it still longer. I intend to return it on the 1st of the month.

Q. Did Mr. Donohoe ever indorse a note for you?—A. Mr. Donohoe was an indorser on a note for me.

Q. Did Mr. Donohoe sue you and get a criminal warrant out for you?—A. Yes, sir.

Q. (To Mr. Landon.) Did not Mr. La Tourette state to you on the day that Mr. Kelly was arrested, that Mr. Donohoe was going for the major, to get his scalp the same way?

A. (By Mr. Landon.) He came up there, I forget the day now, and inquired for Maj. Barker, who was out of the room, and then he spoke about that matter of Donohoe's; spoke about the major unkindly, and said that Mr. Donohoe had Mr. Kelly arrested, and that he was going to do the same with Mr. Barker——

Mr. KELLY (continuing). I was sent to Mr. Donohoe by Mr. La Tourette, for Mr. Donohoe's indorsement, who did not hesitate.

Q. Did you have any claim on Mr. Donohoe?—A. No, sir.

Q. It was apparent to you that Mr. Donohoe and Mr. La Tourette were partners in the transaction?—A. My belief is that they were, but I am not positive.

Q. Who is Mr. Latourette?—A. A 10 per cent sharp.

Q. Mr. Donohoe acts for Mr. Latourette?—A. Yes, sir.

Q. Does Donohoe make the arrangements for loans?—A. No, sir; not with me.

Q. Why did you go to Donohoe?—A. Mr. Latourette told me that if I would get Jimmy Donohoe's signature he would give me the money. Mr. Donohoe signed the note every month for several months, and I paid 10 per cent interest monthly. He then refused to sign any more, and said that unless I took up one note he would make trouble. That was a $65 note. I could not provide for this note within the time it was due. He said, "I don't care, I will push it to the wall." They were both put into the Columbia National Bank, the interest taken out of the face, the notes payable to Mr. J. W. Donohoe.

Q. Did Mr. Donohoe know the rate of interest you were paying?—A. I think he did. It was a well-known fact in the office.

Q. Did he get the money for you?—A. No, sir; I got it, but he gave his personal note for my note, and that was protested.

Q. Is Mr. Latourette in the habit of sending people to Mr. Donohoe for indorsements?—A. There is a man down stairs who has given his note three times with Mr. Donohoe's indorsement; George T. Bassett.

Mr. Kelly further stated that he never was in a pool room in the District of Columbia; never was a "pal" of Maj. Barker's or of Mr. Green B. Raum, jr.; never saw them after 4 o'clock; never was in a gambling house in Washington, and never saw either of them in any such place.

Maj. BARKER further testified that he never played a game of cards with Green B. Raum, jr., in his life. Never saw him at a gaming table in his life. "I never visited a faro bank and 'bucked the tiger' with him, or by myself, or with any persons. Have never been with him more than four times in my life, on which occasions we went driving together. I have never ate or dined with him after business hours. In no way can you consider it that I was a 'pal' of Mr. Raum's. I never bet a cent with him, nor anything of the kind."

Mr. W. T. FORD, assistant chief of the record division, on being asked whether he had ever had any pecuniary transactions with Mr. Donohoe, replied that he had not borrowed any money from him, but that Mr. Donohoe had indorsed his note to other parties.

Q. How many times?—A. I don't know whether it was twice or only once.

Q. Did you negotiate with Mr. Latourette or Mr. Donohoe? How came Mr. Donohoe to indorse?—A. I can't say positively that he did indorse at first, but he did on the renewal of the note. I asked Jimmy to do it.

Q. Do you know anyone else that Donohoe has indorsed for?—A. Not of my own personal knowledge, though I have heard things.

Q. What do you know of Mr. Donohoe's reliability?—A. I can't say positively, but my impression is that he owns the house he lives in.

Q. Why is it that he is so popular an indorser with Latourette? He seems to indorse all the paper that Latourette has in this office.—A. I couldn't say.

Q. (By Mr. BARKER.) It is stated here (in the New York Herald) that you demanded of me a payment of this widow's fund.—A. That is positively false, sir. If you will

allow me I would like to make a statement. Well, now, General, the proposition to raise a fund for Mrs. Moore came from Capt. Ripley. Capt. Ripley suggested it, and we all approved and subscribed. When the money was raised it was brought into our room and a consultation was held between Maj. Barker, Mr. Landon, and Capt. Ripley. There were different lists from different divisions. When it was nearly all in they had a consultation as to how it should be delivered to her. It was suggested that it would be better to hold back a portion of it. Then Maj. Barker said, "Ford, what do you think of that?" It was decided to hold back a part of it until the widow should need it, with the distinct understanding that Capt. Ripley should have full charge of the matter. Capt. Ripley thereupon left certain packages of money with Mr. Landon, who placed them in his drawer and locked them up for safe keeping. As far as my observation went the transaction was as pure as could possibly be.

Mr. LANDON, assistant chief of the record division, stated that Maj. Barker had never had the custody of the money collected for the relief of Mrs. Hugh Moore. That Mr. E. H. Ripley was the custodian of the fund, and that Maj. Barker had nothing whatever to do with it. There was some money collected from three other divisions and that money was brought to deponent by Mr. Ripley, who asked deponent to lock it up in his desk, which he did, and returned it to Mr. Ripley just as it was brought to him. Capt. Ripley had the handling of all the money, and paid it out. No one in the room had anything to do with it with that one exception.

Q. Does Mr. Barker owe you any money?—A. No, sir.

Q. There is no truth in the statement that you and John Kelly and Mr. Barker were "pals" of Green B. Raum, jr., and "with him were frequently found in pool rooms and at the card table?"—A. No, sir; I say that I never saw Mr. Green B. Raum, jr., outside of the office. I might possibly have met him on the street. I never saw him in a pool room with any of them. In fact, I never was in a pool room nor a card room in my life.

Q. Were you a "pal" of that young man for any purpose?—A. I never met him outside of the office, and never knew him except in a business way here in the office.

Capt. E. H. RIPLEY stated, with reference to the money raised in the office for the relief of Mrs. Hugh Moore, that while Mr. Moore was sick a subscription was started, and that Maj. Barker gave deponent $15 which had been raised in the division. With the exception of that amount Maj. Barker had nothing to do with it. That a few days afterwards Mr. Moore died, and another paper was started. That the money was turned over to him (Ripley), and by him paid to the widow at different times, as follows: Fifteen dollars paid over about April 15 (before Mr. Moore's death); two packages, one containing $88.95, and the other containing $8.50, paid on the 29th of April, the day after his death; $21.90 paid to the daughter of deceased on May 16—this at the Pension Office; $35.75 paid May 25, and on May 30, $9 for two hacks for pall bearers. All this money was paid out by deponent as stated, and he now holds a receipt for the same. The last two payments were subscriptions received from other divisions of the office, and were placed with Mr. Landon, assistant chief of the division, for safe-keeping until the widow should need the money. The money was done up in packages, and locked up by Mr. Landon in the drawer of his desk, being returned by him when called for, without the packages having been opened. Mr. Landon was the only one in the chief's room who handled it at all.

Mr. GEORGE T. BASSETT stated that Mr. Donohoe had indorsed notes for him.

Q. How many times?—A. For about every month I kept running it, until about February, when it went to protest.

Q. How came you to get Donohoe to indorse for you?—A. Latourette told me to get him, and he would give me the money.

Q. Do you know of other persons who have borrowed money of Latourette, and got Donohoe to indorse?—A. Lemuel Bursley.

Q. What rate of interest did you pay Lattourette?—A. Ten per cent a month.

Q. Did Mr. Donohoe know the rate of interest you were paying?—A. I think he did; yes, sir. He knew Latourette charged that.

Q. You paid it?—A. Yes, sir.

F. M. TAYLOR—RECALLED.

The WITNESS. In connection with my statement yesterday in regard to Theodore Smith I wish to make a further statement in regard to the transaction that I had with him on February 5, after which time I never spoke to him. The Deputy Commissioner of Pensions, Col. Lincoln, sent for me to take the testimony of an old soldier, who came to the office and asked me if I could not take him somewhere where there would not be an audience. I told him that I knew of no place; that

we had no room for that purpose; but I would try to find some place. He asked me then if the examination division ought not to have a room, and I told him that I thought they had. He said, "Do you know what room you could get," and I told him that the room of the "two chiefs" had been vacated, which I thought would be suitable, and he said, "You go and write a letter through the chief of your division directed to the Commissioner, asking for a room, and I will see that you get it." I went back to my desk and wrote this letter:

Special Examination Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., February 5, 1890.

Hon. GREEN B. RAUM,
Commissioner of Pensions. (Through Mr. Theo. Smith, acting chief S. E. Division.)

SIR: We, the undersigned, special examiners, with headquarters in the District of Columbia, have the honor to ask that the room on the third floor of this building, formerly occupied by the two chiefs, be assigned for our official use.

Very respectfully,

F. M. TAYLOR.

The other two examiners were not there at the time I signed it; and the next morning when Mr. Smith came to the office I took it and submitted it to him. He said, "I have a room." Said I, "Where is it?" He said, "It is in the loft." And I said, "I am not in the habit of taking witnesses to the loft to take their testimony." Said he, "What is the matter with this room?" referring to a room close by—a room 4 by 10, I guess. Then he said, "What in the hell has Col. Lincoln got to do with it anyhow." And I said, "I do not know; that he was Deputy Commissioner of Pensions, and I supposed he had something to do with it." And I said, "Well, Smith, I do not care anything about it." And then left him. I went back and stated the facts to Mr. Lincoln. He asked me if I had any objection to his sending for Smith and telling him what I had said that he (Smith) had said I told him, and I said, "Not at all; that I had said nothing behind his back that I would not say to his face." He sent for Smith, and took him before the Commissioner, had some conversation with Mr. Smith, who tried to justify himself, and said that he did not like the way I presented the matter. Col. Lincoln (so he told me) said, "You will have to exonerate Mr. Taylor, for it was my suggestion." I had nothing to do with Mr. Smith, except officially, afterwards.

By Mr. ENLOE:

Q. Mr. Taylor, did you meet Mr. Smith and Mr. Stover at the Pension Office on Sunday while you were connected with the Pension Office, and receive from Smith or Stover an indorsement which Gen. Logan had given you, and which belonged to your personal files? If so, state the circumstances.—A. I did. I was over there Sunday morning, and I met Mr. Smith and Mr. Stover coming down from the—I was on the second floor when I saw them coming down from upstairs, and Stover pulled out a card and said: "Well, probably you would like to have this as a souvenir." I found that it was Gen. Logan's personal card. On the back of it was a request written to Gen. Clarke, who was then Acting Commissioner of Pensions, requesting that I be transferred from Kentucky to Pennsylvania. Well, that had been filed in my personal files. I suppose that is where they got it.

Q. Well, it belonged to your personal files, did it not?—It belonged in my personal files; yes, sir. I had not seen it from the time I gave it to Mr. Clarke until that day.

Q. They had no right of possession to be carrying that around in their pockets?—A. No more than you had, sir.

Q. What did you do with it?—A. I have it at home.

Q. Well, do you know whether or not that was practiced to any extent in the office—going into the files of employés—Mr. Smith or anybody else?—A. I only know from what Mr. Smith told me, that he had access to all the files—personal files—that is all I know about it.

Q. Did they make any statement to you about what they were doing up there in the office?—A. No, sir; I never had any conversation with them about it. I thought it was a little queer at the time, but I said nothing.

Q. Do you know anything about Smith and Kelley and Raum, jr., or any other Pension Office employés who made a practice of leaving the office along about 1 o'clock in the day and going out to the pool rooms, at Seventh and Boundary, or other places where the races were?—A. I never was with Mr. Kelley out there. I think Mr. Smith went out there and young Mr. Raum.

Q. I mean by asking you the question—I do not care anything about their being out there—I mean by asking you the question to inquire whether they have been neglectful of their duties in the office in this regard—if you know anything about that?—A. Simply that they left the office and went to the races during office hours. That is all. Whether they neglected the performance of their duties or whether they had performed them or not before they went out is not for me to say. I do not know.

The CHAIRMAN. To what extent did they go?

Mr. ENLOE. I would like to know, too.

The CHAIRMAN. To what extent was that practiced?

The WITNESS. Almost a daily occurrence.

By Mr. ENLOE:

Q. Do you know whether or not any complaint was made about it by Gen. Bussey or Secretary Noble, or any of the superior officers?—A. I do not know.

Q. Do you know whether it was ever made a subject of inquiry, reprimand, or anything of that sort?—A. I do not know.

Q. Do you know why Mr. Fleming was transferred to the document room of the office of the Secretary of the Interior after he was reinstated in office?—A. Only what I got from Mr. Theo. Smith himself.

Q. What did Mr. Smith say about it?—A. Mr. Fleming was reinstated while Mr. Smith was absent from the city. It was during Mr. Tanner's administration. I think when Mr. Smith came back he found that he had been reappointed, and had just reported for duty, I think, and he stated that he went in to see Mr. Tanner about it, and he said to Tanner that the minute Mr. Fleming stepped into the office he would step out.

Q. Was that George B. Fleming?—A. George B. Fleming. They sent over for Col. Dudley, and he said that Col. Dudley told Mr. Tanner that he could better afford to dispense with the services of Mr. Fleming than with those of Mr. Smith, and that after that Mr. Tanner went over to see Judge Chandler, who was then Acting Secretary—Mr. Noble was away from the city—to get him to help him out of the difficulty, and that Judge Chandler had him transferred to the Interior Department temporarily. That is all I know about it.

Q. Do you know what McElfresh was doing at the time that you were looking after Latourette with a view to his arrest and indictment—do you know what McElfresh was on?—A. I was looking after a colored man by the name of Lemar. Col. Butterfield, who was acting chief of the special examination division—I reported the case to him, and he said that he had Mr. McElfresh looking after Latourette.

Q. Did you have any conversation with Mr. McElfresh about what he was doing?—A. I did not get to see Mr. McElfresh that day. The next day I asked Mr. McElfresh what information he obtained—whom he saw there. He said he did not see but one man, and that was Capt. Cook. I do not remember now where he said he saw him, whether it was in his office or in the street that he saw Capt. Cook with Latourette. That was the substance of it, and I afterwards took Capt. Cook's deposition in regard to the matter.

Q. Did you conduct the examination of the charges against F. A. Fields or make any report?—A. I made a report in the case of F. A. Fields. It will probably be found in his papers.

Q. Is that a copy of your report or the original?—A. Yes, sir; this is it.

Q. Fields was a special examiner?—A. Mr. Fields?

Q. Was he special examiner?—A. No, sir; Mr. Fields had been connected with the Pension Office and had been dismissed, I believe; but at the time I made this investigation he was a clerk in the office of Mr. Lemon—George E. Lemon. I could better explain that by stating how I came to make an examination.

Q. Is this also a report of yours?—A. Yes, sir.

By Mr. PAYSON:

Q. Who ordered this investigation?—A. In the first investigation which was made I took the testimony. The report was made by me and submitted.

Q. Who ordered the investigation?—A. The first examination I made on my own authority as special examiner. I submitted my report to the office and the law division ordered a further examination.

Q. The first one was made on your own motion?—A. Yes, sir.

By Mr. ENLOE:

Q. Well, it seems to me that this was an investigation for the purpose of identifying the members of the firm of James M. Field & Co., was it not?—A. Yes, sir.

Q. Well, in your examination whom did you find constituted that firm?—A. There were three Fields. One was a son. It was reported that one of the men who was in the firm was in the Pension Office or in some Government position and still practicing before the Pension Bureau. There were three Fields. One was the son, the other the father, and the other the wife. I first took the testimony of young Field. He was in the War Department, I believe. He told me who the members of the firm were, and that his mother was transacting the pension business. The testimony is there. I do not exactly know what it is. He said his father was working for Mr. Lemon. I went up to Mr. Lemon's to see Mr. Field and take his testimony. I found they were investigating Mr. Field for using information in his own business that he had obtained from their files.

Q. Which Field was that?—A. That was the father.

Q. Is he an employé in the Pension Office now?—A. The next time I saw Francis A. Field he was standing down in the basement of the

Pension Office. He said he had been subpœnaed, I think, in this Cooper investigation, and the next I saw of him he was reported to be in the Pension Office, and is there now.

The CHAIRMAN. Which do you mean; this investigation or the other one?

A. The prior investigation.

By Mr. ENLOE:

Q. What did he state to you about that matter? Did he make any statement at all, except that he had been subpœnaed?—A. I do not remember whether he stated he had been before the committee or just subpœnaed. I hardly remember the conversation.

Q. Do you know how he came to get out of Lemon's employ?—A. He was dismissed that afternoon.

Q. He was dismissed on the ground that he was getting the information which he obtained as Lemon's clerk and using it in his own pension agency, which was run in the name of his wife?—A. Yes, sir; that was the reason he was dismissed.

Q. How long was it after he was dismissed before he was appointed to a position in the Pension Office; do you know?—A. Well, that report shows the date that I took his testimony; he was dismissed that day.

Q. Which one of these reports, now, do you refer to? They are of different dates. One is August and the other is July.—A. The first one.

By the CHAIRMAN:

Q. What date is that?—A. The 18th of August, 1890. The record will show when he was appointed in the Pension Office. I think it was that fall, but I am not sure.

Q. Will the report show on what grounds Mr. Lemon dismissed him?—A. My report does not.

By Mr. ENLOE:

Q. Your report shows the facts which you ascertained in that investigation?—A. Yes, sir.

Q. And that was that he was in the employ of the firm of George E. Lemon?—A. Yes, sir.

Q. That his wife was conducting a pension agency on her own account?—A. Yes, sir.

Q. Under the name of James M. Field & Co., was it?—A. The report shows there. Her testimony is there, too.

By the CHAIRMAN:

Q. What position has he in the Pension Office?—A. Examiner at the desk, I believe.

Q. Now?—A. Yes, sir.

By Mr. ENLOE:

Q. These papers here—will you look at them and state whether or not these papers passed under the observation of the Commissioner?—A. Mr. Field was—I can not tell whether he is there to-day or not—I think he was there when I left the office. There have been a good many changes since then.

Q. The question is whether these papers went into the office as part of the public papers.—A. Well, I submitted my report to the office.

Q. Do you find a letter of the Commissioner there?—A. The Commissioner's letter is there. It was August 15, 1890, and my report was made in compliance with that letter.

By the CHAIRMAN:

Q. In answer to his letter?—A. In answer to his letter. It ought to bear the stamp of the office, but I do not see it attached.

By Mr. ENLOE:

Q. Do you know whether or not Field had formerly been in the Pension Office?—A. I understand he had.

Q. Well, do you know the reason why he was dismissed from the office or why he severed his connection with the Pension Office?—A. I do not know. It is only hearsay. The record will show that.

Q. Do you know whether he still conducts that pension agency in the name of his wife?—A. I do not know anything about that. I do not know anything about him since I made the investigation, except what I have stated.

Mr. ENLOE. I find here some papers in the Field case, and I am not prepared to state exactly what papers I want to offer, but I will ask that the necessary papers in this file be admitted at this point so as to show what he had been at and what his record was in the Pension Office.

WASHINGTON, D. C., *May 27, 1890.*

SIR: Under the provisions of rule No. 10, as amended, I have the honor to apply for reinstatement as clerk of class two in your office, from which position I was discharged in 1885, by Gen. Black, as I then supposed, on account of political reasons.

Very respectfully,

F. A. FIELD,
943 E Street NW.

Gen. GREEN B. RAUM,
Commissioner of Pensions, Washington, D. C.

Hon. COMMISSIONER OF PENSIONS,
Washington, D. C.:

SIR: In answer to the charge made against me while a special examiner in the Pension Office, I will state in reply thereto and explanatory thereof that vouchers were always obtained by me from every livery-stable keeper the moment livery was returned, in order that there might be no mistake as to day, date, and amount paid for each hire. I settled with Mr. Cole, and every other livery-stable keeper according to the amounts shown to be due from my book of vouchers, and in no other way, and if Mr. Cole failed to make entries or to remember just what was paid him, I certainly should not be held accountable for such neglect on his part, when the money was actually paid, as stated by me.

As an examiner is obliged to advance to the Government the amount of his expenses each month, and then wait at least fifteen days longer for the payment of his account, can it appear strange if he is without funds at times, particularly near the end of the month, and can it be wondered at should some bills remain unpaid a few days? I could not remain idle the few days I was short of funds and do justice to the Government, under whose pay I was.

The large amount of indebtedness which it is alleged I contracted was not on account of Government service, but was contracted by reason of the purchase of some hotel property. This indebtedness was assumed by the party to whom I sold my property, but never paid by him; consequently I was compelled to pay it, which I did after returning to this city.

That portion of the charge which relates to being in two places at some distance apart on the same day is more than likely true, as I have been in as many as four or five different places some distance apart on the same day and hired as many different vehicles.

As I never have been advised that my official acts or character had been made the subject of investigation and had not been furnished with a copy of these charges until May 19, 1890, and never, to my recollection, been called upon for an explanation or given an opportunity to refute them, it will be easily understood why no explanation or denial of these charges against me is to be found on file in the Pension Office.

Respectfully,

F. A. FIELD.

Subscribed and sworn to before me this 28th day of May, 1890.
[SEAL.]

WILLIAM SELBY,
Notary Public.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
SPECIAL EXAMINATION DIVISION,
Washington, D. C., May 29, 1890.

SIR: In response to your verbal request that I should give you, as near as possible, any facts which I may remember in connection with the investigation of F. A. Field, late special examiner of this Bureau, I have the honor to state that he was charged with reporting himself on duty with headquarters at Lima, Ohio, and forwarded his daily reports apparently from there. The investigation showed that during the time he was so reporting himself at Lima he was at Defiance, Ohio. He was also charged with being the proprietor of a hotel in Defiance, Ohio, which charge was proved to be correct, and also that he paid more attention to running the hotel than to his duties as a special examiner, as can more clearly be shown by his daily reports during that time.

He was also charged with charging the Government with railroad fares to and from points in his district, and the investigation showed that he had not actually made the trips charged for.

He was also charged with charging excessive livery hire. The investigation showed that this was the fact in a great many instances. The investigation showed, also, that while he was charging railroad fares he was traveling on nearly all the roads in his district on passes obtained from the railroad companies, whether through his official standing or otherwise, I am unable to state. I remember—and I feel pretty certain that the records will bear me out in this—that during the time he was stationed with headquarters either at Lima or Defiance, Ohio, he performed just about one-half the amount of work of any other special examiner in the Cleveland supervisory district, and his expenses were almost double those of any other special examiner.

Very respectfully,

J. M. BURNETT,
Reviewer, Special Examination Division.

Mr. THEODORE SMITH,
Acting Chief, Special Examination Division.

NOVEMBER 29, 1890.

The special examiner's report of conduct of Mr. Field can not be found. Mr. Burnett was stationed near him, and is familiar with all the facts.

THEO. SMITH.

[George E. Lemon, counselor at law, solicitor of patents and claims, 615 Fifteenth street NW. (Citizens' National Bank building). P. O. Drawer 325.]

WASHINGTON, D. C., *June 3, 1890.*

Mr. GREEN B. RAUM, Jr.,
Pension Office, Washington, D. C.:

SIR: Will you be kind enough to send me a copy of the last lot of charges found against me?

Very respectfully,

F. A. FIELD,
(Care of G. E. Lemon.)

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 7, 1892.

I hereby certify that the foregoing are true and correct copies of letters on file in this Bureau, under my charge, in reference to the charges against and reinstatement of Mr. Francis A. Field, of Indiana.

O. P. HALLAM,
Assistant Chief Clerk.

By Mr. PAYSON:

Q. Do you know, Mr. Taylor, as to whether or not there was an application made for the reinstatement of Mr. Field, the investigation being had by the Commissioner with reference to the charges upon which he had before that time been dismissed, do you know of that?—A. No, sir.

Q. Heard anything about it?—A. No, sir.

Q. You do not know who his indorser was on any application that

was made for his reinstatement?—A. I do not know anything about it.

Q. Nothing whatever, except what your report shows?—A. I never saw him before that day.

Q. Who called your attention to the fact upon which you made this examination, or did you make it on your own motion?—A. The Post-Office authorities——

Q. Who? Do you remember?—A. I think it was Mr. Bell, the Superintendent.

By Mr. ENLOE:

Q. Have you seen copies of the letters filed, or a statement filed by the Commissioner of Pensions with the Secretary of the Interior containing charges against you in connection with the management of the case of James M. Brown?—A. I heard the Commissioner read them here one day.

Q. Well, you made a report in that case, did you not? You investigated and made a report?—A. Now, I will state my connection with that case. At the time that examination was made I was special examiner, located in Iowa, with headquarters at Ottumwa. The case was sent me, with a letter of instructions, to make an investigation. I also received the report from Examiner Carusi, in which he had taken testimony of some man out in Kansas, stating that Morgan Brown, of Bloomfield, Iowa, was drawing a pension for a disability incurred before the service. I was instructed to investigate the matter. I went to Bloomfield and took Mr. Brown's testimony and some other testimony, enough to convince me that the matter was a criminal case, and after that I conducted the examination *ex parte*, as the rule is, and as our instructions are, and from the testimony I obtained in my report I recommended that Mr. Brown be suspended from the rolls pending the further examination of his case, and that if the testimony obtained elsewhere corroborated the testimony that I had taken, that he be dropped from the rolls and a civil suit commenced to recover the money. The case after that passed through the hands of four special examiners. I think all of them made adverse reports. It then went to the board of review, who ordered that he be dropped from the rolls. While I was investigating this case in Iowa a man by the name of Dr. Young seemed to take considerable interest in it and asked me a good deal about the case, and told me that the Grand Army would see that he got back, for they would swear him through. He asked me what the penalty was for perjury, and, said I, "It is a criminal offense, a penitentiary offense.' My report was made January 5, 1889. I never heard any more of the case until I came to Washington. One day one of the file clerks, I think it was, came to me with a letter addressed to Assistant Secretary Bussey, written by this Dr. Young. Mr. Bussey had indorsed the letter about this case, stating that I had not treated the man fairly, etc., saying, "Can not Mr. Taylor's services be dispensed with," or words to that effect, and I think on that letter an investigation was made. I believe it was made by Mr. Brooks, and when it came back Mr. Smith was then acting chief of division.

By the CHAIRMAN:

Q. Theodore Smith?—A. Theodore Smith. He showed me the report and said I should have an opportunity to reply. The charges were that I had said that the fellow Brown was a damned perjurer, and that all soldiers would swear to lies. I was a soldier myself for four years and a half. I think the last part of it was pretty good. I

told him I wanted to see the Commissioner in regard to the matter. Mr. Tanner was then Commissioner. He said he would arrange an interview, but kept putting it off, and one day he said, "It is all right," and that Tanner said, "I will stand Bussey off." He put the papers away. That did not exactly suit me, and I went over and made a statement to Secretary Bussey about the whole matter. I did not know that it would have any effect, but I did not want it to come up like Banquo's ghost some day to say that I had had it stuffed away in files. Here is the report I made to Secretary Noble:

While in the line of my duty as special examiner in Iowa the case of J. Morgan Brown, certificate No. 165671, a lieutenant of the Third Iowa Cavalry, was referred to me for investigation. Brown was a pensioner for injury to left knee and hip, alleged to have been received at La Grange, Ark., by a horse running under his leg, or between his horse and his leg.

There is no record of the alleged disability. The record shows said Brown to have enlisted August 30, 1861, in Third Iowa Cavalry; promoted to second lieutenant April 2, 1862; resigned March 9, 1863. The following extract is from the report of the surgeon who made the examination upon which the said Brown based his resignation:

* * * "Find that he is suffering from an obstinate intermittent, together with rheumatism of lower extremities and back; from the latter affection he is still unable to walk or ride. * * * Has suffered with rheumatism since leaving Benton Barracks, now more than twelve months." Examination dated March 10, 1863.

The investigation of Brown's case was ordered upon the report of Special Examiner Carusi, who submitted an affidavit of one E. B. Tressel, wherein it was charged that the injury for which Brown was pensioned was received before the war.

From testimony I obtained in the vicinity of Bloomfield, Iowa, chiefly relatives of the pensioner, I was fully satisfied that the injury for which he was pensioned was not of Army origin. As the testimony I obtained tended to show the injury or disease for which he was pensioned was incurred in Ohio long before the war, I made my report and recommended that the case be sent to Ohio for further examination. I also recommended Brown's pension be suspended pending said examination, which was done. After taking the claimant's statement and the testimony of one William Taylor, I became convinced that the claim was a fraud, and from that time made my examination *ex parte*, treating the case as a criminal one.

From papers filed in the case since I made my report, I am charged by claimant and one Dr. J. W. Young with not having given claimant a fair show, and of speaking disrespectfully of soldiers, and of saying that all soldiers would swear falsely for each other.

As to the first charge, I gave the pensioner benefit of all privileges usual in criminal cases.

As to the latter charge, it is false.

It looks as if they were trying to prove the pensioner's case by an effort to break down the examiner, but, fortunately for me, my action was not final in the case. The case, upon its further examination, passed through the hands of four other special examiners, all of whom, in their reports, gave it as their opinion that the case is a fraud, and the last examiner who handled the case, F. E. Brownell, recommended that the pensioner be dropped from the rolls.

I am somewhat proud of the record I have made in the Pension Bureau during the eight years I have been connected with it. This is the first time that I have ever heard that I was charged of being unfair to the soldiers.

The foregoing is the case as briefly as I can state it, and a review of the papers in the pensioner's case will show that my opinion, as therein rendered, could not have been otherwise than as given.

I am, sir, very respectfully,

F. M. TAYLOR,
Special Examiner.

The WITNESS. To that communication I received this letter:

DEPARTMENT OF THE INTERIOR,
Washington, September 26, 1889.

DEAR SIR: Your statement of the 25th instant has been received and filed for reference in case of need.

Your truly,

JOHN W. NOBLE,
Secretary.

F. M. TAYLOR, Esq.,
Special Examiner, Pension Office, Washington, D. C.

That was my connection with the Brown case.

By Mr. DUNGAN:

Q. Do you know what ever became of Brown, whether he is on the pension rolls now or not?—A. From the statement of the Commissioner that I heard here, he and Bussey reinstated Brown, who belonged to Bussey's regiment.

Q. I recollect the case.—A. The Third Iowa Cavalry. They reviewed the case and put Brown back on the rolls again.

By Mr. ENLOE:

Q. The Commissioner of Pensions, in his testimony, charged you with having kept a soldier by the name of Frank Delaire out of his pension for a considerable time, and that on account of your mental or moral obliquity—one or both, I do not remember which now——A. I remember —it was mental.

Q. Mental obliquity that this soldier filled a pauper's grave. Did you investigate that case?—A. Yes, sir; I will tell you what connection I had with that, if you will let me have the papers.

By the CHAIRMAN:

Q. The papers have already been put in evidence.—A. I know, but I just want to refer to my report.

Mr. PAYSON. The report certainly was put in.

Mr. ENLOE. Yes, sir; that report was put in.

The WITNESS. At the time I became connected with this case I was located at Buffalo, N. Y., and the first part of November, I think about the 10th or along there, or the 11th, I guess——

The CHAIRMAN. What year?

A. The 11th of November, 1887. I received instructions from the Pension Office stating that a pension of $72 per month, amounting to over $12,000, had been granted to a man by the name of Frank Delaire, who lived at Cobourg, Ontario. I was instructed to go there at once and to cause notices to be inserted in the local papers and make inquiries as to what was the opinion there as to its being a just claim. All I got was that letter and these two papers.

Q. What were your instructions?

A. The Commissioner of Pensions—William E. McLean was then acting Commissioner of Pensions——

By Mr. DUNGAN:

Q. Under whom?

A. Gen. Black, I suppose. It was during Mr. Black's term. This letter was written on the 10th of November. I left Buffalo on the 12th, Saturday. I got to Cobourg Sunday. The first man I went to see was the United States consul. I told him who I was. "Well," said he, "you got here too late for one man. There was a man granted a pension here—a big pension—but he is dead." I asked him who it was and he said his name was Frank Delaire. That was the man I was sent there to see about. Then I ascertained that Frank Delaire had died about a month before that at Montreal; that he lived in Cobourg; that he was a registered beggar there, blind, going around the province with a cart, and an old woman, not his wife, whom he had picked up on the Plains of Abraham at a mining camp up above Quebec. I took some testimony there as to the facts. I then went to Montreal to ascertain the date and cause of soldier's death and to see if he was married. I found that he died there in a stroke of appoplexy, I think it was, and that before

his death he married this woman. My duties then called me over to Auburn, N. Y., to attend the United States court, and I could not investigate further, but I will state what I did. I made a report in which I said this:

He was a professional beggar, in fact, a drunken beggar, roaming from one place to another; with him, a woman, with whom he has been living for twelve of fourteen years, and a dog. He died at Montreal, September 3, 1887, and just before he died he was married to this woman. See exhibits.

The son informed me that this soldier, his father, did not live in Cobourg until four or five years after his discharge, but he could not tell where he did live.

At Montreal I was unable to get traces of the widow; she had left the house where the soldier died. The soldier at discharge had a wife living, who, the son says, died three or four years after the father came from the Army. I learned, chiefly from Mr. Stephens, the late consular agent at Cobourg, and Edward Delaire, that this claim which seems to have been filed soon after the soldier's discharge, had been lost track of and was almost two years ago brought to light again through the inquiry of the attorney, Mr. Fitch, as to the soldier's whereabouts. This letter was, it seems, addressed to the late consular agent, Mr. Stephens, who, since this time, seems to have taken an undue interest in the case. At the time Mr. Fitch made his inquiries the whereabouts of the soldier was not known. The son, through an advertisement, succeeded in finding him at Ottawa, and went there and took him home to Cobourg, and took care of him until he went to Montreal, a few weeks prior to his death.

Mr. Stephens told me that he advised Belaire to marry the woman he was living with, and told him if he died before he married her she could not get pension.

This claim should be thoroughly specially examined. It is, in my opinion, of very doubtful merit. Whisky may be very good for the stomach, but I have yet to learn that it is a good remedy for disease of eyes. Certainly the exposure that this man must have undergone in his wandering life, together with the large amount of whisky he has consumed, has undoubtedly had its effect upon his eyes.

Query? Was not the death-bed marriage a conspiracy to obtain soldier's pension? Was the soldier *compos mentis* at the time of said marriage? He is said to have died of a second stroke of paralysis. Was there no legal bar to said marriage?

I should have endeavored to settle these questions had not my time been limited.

Where do the witnesses live who testified to prior soundness, condition at discharge, and continuance? If in Coburg, it is a question whether they were competent.

Very respectfully,

F. M. TAYLOR,
Special Examiner.

The WITNESS. I never saw or heard of that case again until the spring of 1889, right after President Harrison's inauguration. I came back to Washington and was detailed here April 2 as special examiner in the District of Columbia, where I performed duty up to the time of my resignation, and after I came back I had the curiosity to know what had become of the case. I looked it up and I found they were just about to issue a certificate to this woman for $12,000. I took the case and went with it into Mr. Tanner's office, and I told him the circumstances and all about the case. I told him that while there were soldiers in this country trying to get $2, $4, $6 per month for services they rendered this country, that the Pension Office was trying to issue a pension for $12,000 to a woman over in Canada, and that it was very doubtful if she had any legal title, in equity none, and I thought it would be well before they spent that amount of money to spend a little more and investigate the case, and see whether it was a just claim or not. He said he thought so too. He said if I would write a slip he would have it further examined. I wrote this slip:

[377119. Frank Delaire, Company I, Eighteenth Illinois Infantry.]

WASHINGTON, D. C., *June 14, 1889.*

SIR: I am of the opinion that before the certificate is issued in this case that a special examination should be made to determine whether there was any legal bar to this deathbed marriage.

This soldier and alleged widow were professional beggars. The claimant in the

case, the soldier picked up in some one of the camps in the vicinity of Quebec, Canada. She was then advanced in years. It does not appear from the papers in the case that the question as to whether she had a legal right to marry the soldier has ever been investigated.

Neither the soldier nor the alleged widow were of good reputation.

The first payment in this case will be in the neighborhood of $12,000, and I think it would be as well to expend a few hundred dollars more to ascertain, beyond a doubt, that the payment is a just and legal one.

Very respectfully,

F. M. TAYLOR,
Special Examiner.

Hon. JAMES TANNER,
Commissioner of Pensions.

JUNE 15, 1889.

Approved.

JAMES TANNER.

Well, the case was sent away, I believe, to a man by the name of Sadler. He took some testimony. He did not find anything. The case came back, and in the meantime Mr. Tanner was out of office. They were about to issue a second certificate. I took the case—did not take the papers, did not have the papers—I went in and told Gen. Raum about it, and he said he would send for the papers, and that is the last I had to do with the case. He knew I did not keep the man out of his pension, because the man was dead, and he could have seen by the papers that I did not, and I never saw or heard of the man or any paper in connection with the case until a month after the soldier was dead. It was a willful misrepresentation of facts.

By Mr. ENLOE:

Q. You had no prejudice against this claimant, and were only acting in your capacity as a public officer in your examination?—A. That was it. I thought it was an unjust claim that had not been fairly proved. It was unjust to the soldiers of this country; for this man came over here during the war, for the bounty, and went right back. I thought it was bad enough to give it to him, but to give it to this woman I thought that was straining a point. It was not right to give her $12,000 to which I did not believe she was entitled.

Q. You spoke of an attorney manifesting undue interest in the prosecution of this claim. Did you in your investigation get the impression that he had any undue interest in the claim?—A. Not the attorney. It was an ex-consular agent. I did not get anything except what little one would get in talking with a man who had interested himself in it. My report will show just what I got.

By Mr. DUNGAN:

Q. You say the papers in the case did not show whether she was a single woman at the time of the marriage?—A. There was no testimony to show that she was a single woman or that she had been married; but she was an old woman when she married him.

By Mr. ENLOE:

Q. Did you keep track of the case?—A. I heard of it afterward. I heard Gen. Raum say that he and the Secretary went over it and allowed it; that he and Secretary Bussey——

Q. You thought, from your examination of it—what you saw of it—that it was a case that was not made out in accordance with the law and rules of the Pension Office?—A. Yes, sir. I wished to protect the Government from being defrauded of that amount of money. I thought it was an unjust claim; I think so still.

Q. Well, in the Hetty Key case—did you make the examination in that case—take any of the testimony?—A. I took some of the testimony of that case.

Mr. PAYSON. Is that the case in which Senator Voorhees's affidavit cuts some figure?

Mr. ENLOE. Have you examined the papers in the Hetty Key case?—A. I have not.

By Mr. DUNGAN:

Q. What is that name?—A. Hetty Ann Key. These are certified. These are not the original papers. I took the testimony of James F. R. Appleby, M. D., but they have not got it here, as to his treatment of the claimant just at his death and prior to his death.

By Mr. ENLOE:

Q. You are familiar enough with the rules of the Pension Office in regard to the adjudication of claims?—A. Yes, sir.

Q. Why was it that you limited your examination in that case to the taking of this man's testimony?—A. This case was referred to the special examination division for investigation as to the origin of the disease and continuance, and it was assigned to me with this slip:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 7, 1891.

No. of claim, 297187. Widow. Claimant, Hetty Ann Key. Soldier, John J. Key. M. A. J. and Add'l A. D.-C.. U. S. A.

Respectfully referred to chief S. E. division by a favorable direction of the Commissioner for special examination to determine the cause of the officer's death: the special examiner to extend his inquiries only to the cross-examination of Doctor J. F. R. Appleby. Orders complied with.

N. E. ROBINSON,
Asst. Chief of O. W. and N.
W. W. BUCK,
Examiner.

With those instructions before me I had to confine myself to the examination of Dr. Appleby. The doctor only knew the man for a little over a year before his death. There was a list of officers with the case who served with this soldier—one of them, Gen. Kelton, I think, then in Washington.

Q. Is it not customary to examine a soldier or the comrades of a soldier who served with him?—A. In order to prove up the case it is necessary to show that the soldier contracted his disease in the line of duty and in the Army. There was no testimony of that kind on file, as to line of duty. Senator Voorhees is the only witness in the case. He testifies as to prior soundness, origin, and continuance. We all know that the Senator was not in the Army. I made my report and recommended consideration by board of review. They sent it back to the division in which it originated, and it appears that they were not satisfied. They wanted a further examination of it, and the next thing I heard of it was that the Commissioner had ordered that it be admitted. The slip ordering admission reads: "The Commissioner directs that this claim, under the act of July 14, 1862, be admitted upon the evidence now on file (admitting death cause to be due to service and line of duty)." This man had been dismissed the service after serving six months, but in some way he got the sentence remitted and he was honorably discharged. It is usual in a case of that kind to inquire into these things and see whether the disease from which the man died was

contracted in the service and if it continued down to his death. There is no testimony of that kind in the case.

Q. The rules of the office require that sort of an investigation, ordinarily?—A. Yes, sir.

By Mr. LITTLE:

Q. Did not the rules of the office require that that shall be done by the medical board?—A. No, sir; the special examiner had to hunt up the evidence establishing the fact of origin and the date and cause of the man's death.

By Mr. ENLOE:

Q. That was an exception, was it not? Did you get orders, ordinarily, to limit your examination in regard to origin and continuance of disease and cause of death?—A. No, sir; that was an exceptional order.

Q. Well, do you know whether or not it is in accordance with the rules of the office for the Commissioner to admit that cases are proven where the evidence does not show that they have been proven—admitted as a fact and legally established?—A. Well, I know it is not a rule of the office. It might be an exception in this case. I do not know how many have been admitted in that way. That is the only one that my attention was ever called to.

Q. Well, ordinarily, who determines or passes upon the medical testimony—determines whether it establishes a case?—A. Why, the medical division—the medical referee and his subordinates. The board of review passes on the legal aspect.

Q. Did you have anything to do with investigating the charges against W. Bowen Moore, who was a practicing attorney before the Pension Office?—A. No, sir.

Q. Did you see Mr. Moore during the pendency of that case before the Commissioner—proceedings for his disbarment?—A. I saw Mr. Moore in the law division one day sitting at a desk looking over some papers; and I jokingly asked him if he was chief of that division.

The CHAIRMAN. What is that?

The WITNESS. He was sitting at a desk. The chief and assistant chief were away at that time. It was in the summer—August, I think. I jokingly asked him if he was chief of that division. He said he was looking over some papers. He said that there had been some charges made against him down there, and told me that one of the cases was in the hands of the United States commissioner. I believe that he had come on to see the Commissioner in regard to it—the Commissioner of Pensions. He said the Commissioner of Pensions said to him: "I would not believe anything against you unless I have pretty strong proof of it," and that he had given him permission to look over the papers in the law division in connection with this case; that the Commissioner had telegraphed to Buffalo to have the papers sent on to Washington. That is all I know about it.

Q. You do not know anything about what was finally done in the case?—A. I do not.

Q. Did you investigate the charges against Latourette?—A. I did—of Latourette and a man by the name of Charles A. Lemar.

Q. What started that investigation about Latourette's conduct?—A. The first time my attention was called to it was an article that appeared in the New York Tribune of November 30, 1890, charging Latourette with extortion from some poor old woman, a Mrs. Fuller, and a man by the name of "Tug" Wilson. I saw the article and called the atten-

tion of Col. Butterfield, who was acting chief of the southeast division, to it; and a few days afterward the chief clerk of the Pension agency told me that there was a colored man by the name of Lemar who came over every pay day and collected his money, and he was holding the certificates of soldiers as security. So on the 4th of March I went over to the Pension agency to look into the matter. I saw this man Lemar standing on the corner. Most of the men who talked to him were colored. He would take out of his pocket a paper. They would go into the office and get their pay, and go back and see this man—give him back the paper; and I saw one of the men present the paper in the office. I forget now who it was. I saw it was a pension certificate. I called over at the Pension Office, told Mr. Butterfield what I had observed, and that I wanted authority to arrest the man with the evidence of his guilt upon his person. The colonel said that he did not like to take the responsibility of issuing the order; that I had better see the Commissioner about it. He said, they have been disposed to let up on the Commissioner, and we can not arrest the colored man without arresting Latourette; that it would be better to let them both go than to have the Tribune started up again; that he wanted to be loyal to the Commissioner. We went in and saw the Commissioner. He made his statement, and I made a statement and told him what I had seen. The Commissioner, without looking up, said that if I had anything against them to arrest them both. I had nothing against Lataurette; no evidence to arrest him on; but I had heard that a deposition had been taken in the case. I asked him if he had it. He said they had taken a deposition of Wilson. I walked up with him to his office and he asked Mr. Wayson for it.

Q. You walked up to the office with Mr. Butterfield?—A. Yes, sir.

Q. He told you they had taken Wilson's affidavit.—A. They gave me the affidavit. I read it over. I said: "That is sufficient; I can swear out a warrant upon it." And then Butterfield asked me if I wanted any help. Said he, "You can have Brooks if you want him." Said I, "No, I need no help." I first arrested the colored man and I found his pockets full and his safe full of pension certificates; and after I had had him arrested and put under bond I then went to arrest Mr. Latourette. I had a good deal of trouble getting certificates out of Mr. Latourette, but I finally got six or seven; and upon those that I took from parties owning those certificates I secured against Mr. Latourette five indictments and against Mr. Lemar nineteen. One of the cases against Mr. Lemar was tried as a test case and he was convicted and fined $75 and costs; and the other cases are still hanging fire, not having been tried yet.

Q. What was done in Latourette's case? Has he ever been tried?—A. He has never been tried so far.

Q. What time was that?—A. That was the 4th of December. I arrested both of them the same day.

Q. Is this the affidavit?—A. This is a copy of the affidavit of Theodore F. Wilson. He is better known in the Pension Office as "Tug" Wilson.

Q. Where did you find the affidavit?—A. Col. Butterfield went back with me to southeast division and asked Mr. Wayson for it, and Mr. Wayson handed it to us.

By Mr. LITTLE:

Q. What was the name of this colored man you speak of?—A Charles A. Lemar.

By Mr. ENLOE:

Q. Mr. Wayson had the affidavit in his possession? Did he have it in his desk?—A. He had it either on his desk or in his desk; I do not know where he had the affidavit.

By Mr. DUNGAN:

Q. What was the date of the affidavit compared with the date of your getting it?—A. The date of the affidavit was December 1, 1890, and I arrested him on December 4, 1890.

By the CHAIRMAN:

Q. December 4?—A. Yes, sir.

By Mr. PAYSON:

Q. Three days afterward?—A. Yes, sir.

By Mr. DUNGAN:

Q. What was done with the affidavit after you saw it at his desk?—A. I took it and based the prosecution upon it. It is on file in the district attorney's office now.

By Mr. ENLOE:

Q. Did you remain in the service after that some little time?—A. Yes, sir; I remained in the service.

Q. Did the Commissioner suspend you soon after that, or ask your removal?—A. He asked for my removal on the 30th of June, 1891—the following June.

Q. Well, were you removed at that time, or did you remain longer in the service?—A. The Secretary disapproved it and I remained in until the 16th of October.

Q. Were you kept in office for the purpose (after your removal was demanded) of looking after some of these matters in court here in the District?—A. I thought I had the letter here. Yes, sir; I was relieved from duty, and I had some other cases in the United States courts that I was prosecuting, not these in particular, but some cases for defrauding the Government out of pension money, and one case had been tried and the other was pending; and I went to the Commissioner and told him at the time he went on the stand to prosecute those cases I was a special examiner in good repute in the Pension Office. The cases had not been finished and were to come up in a day or two, and I said I would like to have him modify his order relieving me from duty as special examiner so that I might finish the prosecution of those cases; that I did not care to go there as a discredited official of the office; that I wanted to win the cases; and he finally gave me a letter modifying it so as to take effect on the 30th of June.

Q. That was the date on which you retired from office?—A. No, sir; I retired from office on the 16th of October, but my resignation did not take effect until the 16th of November.

Q. Why did you not retire at that time?—A. Well, the Secretary did not agree with the Commissioner about letting me go. That is all I known about it. I went to see the Secretary and told him what was going on and told him it all grew out of the charges that I had made against Mr. Smith. He seemed to be taking his fight out on me, and I did not it think it was fair that I should be made a catspaw of in that way. The Secretary told me that he did not propose to have me punished for what he did, and said, "I removed Mr. Smith," and he ordered that I be reappointed, and also be assigned to duty in the District of Columbia. Here is his letter. That is the letter upon which his letter

was based. That letter is based on the Secretary's letter. I think that is the letter.

Q. You might put that letter in as part of the testimony.—A. Shall I read it? (The witness reads the letter.)

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., June 30, 1891.

SIR: By direction of the honorable Secretary of the Interior, you are assigned to duty in the District of Columbia as a special examiner.

Very respectfully,

GREEN B. RAUM,
Commissioner.

F. M. TAYLOR, Esq.,
Bureau of Pensions.

Q. These charges which were filed by the Commissioner with the Secretary—do you know whether they were filed after this or not, or after this letter was written assigning you to duty as special examiner of the District of Columbia?—A. At the time I was reinstated the Commissioner took over the case of J. Morgan Brown to the Secretary and made that one of his reasons for asking for my dismissal. The Secretary asked him where these papers had been. They were two years old. I had, at the time the thing happened, made my statement to the Secretary about it. I did not know at the time that it would ever come up, and it seems to me that it was a very lucky thing, for I then should have been charged with the smuggling of the papers.

Q. What papers are you referring to?—A. J. Morgan Brown's—Mr. Brooks's report.

Q. Did you say that some of the papers in the case were gotten out of the files?—A. No, sir. Mr. Brooks's report was made shortly after the administration changed, and it was filed away and nothing said about it until I made my report to the Secretary. When the Commissioner wanted to get me out of office he hunts up these old papers.

By the CHAIRMAN:

Q. Secretary Noble?—A. I mean the Commissioner. He hunts up these old papers and takes them over to the Secretary, and the Secretary tells him it is a back number, to use an expression of his.

Q. What papers do you refer to that he took over to the Secretary?—A. The report of Mr. Brooks investigating my conduct while investigating the case of J. Morgan Brown out in Bloomfield, Iowa.

By Mr. ENLOE:

Q. He knew of this Delaire case long before he filed these charges with the Secretary, did he not?—A. I do not know when he knew of it. He says in his letter that he carefully considered the papers. I know from the records there that it is clearly shown that he falsely, willfully, and maliciously misrepresented the facts.

By Mr. PAYSON:

Q. Please confine yourself to the facts.—A. That is a fact, as shown by the record.

Q. Then the record will show it a good deal better than your testimony.—A. But I want to emphasize it, if you please.

By the CHAIRMAN:

Q. When did you go out of office?—A. I stated yesterday that I resigned at the request of the Secretary——

Q. What I wanted to get at was whether these papers had been sent in by the Commissioner to Secretary Noble.—A. Yes, sir; it appears so.

By Mr. ENLOE:

Q. He did not recommend your dismissal on any such ground prior to your difficulty with Theodore Smith?—A. Not that I know of.

Q. Have you any knowledge of the charges against Green B. Raum, jr.? Did you pay any attention to that matter?—A. No, I know very little about Green B. Raum, jr. I was not personally acquainted with him. I know very little about him, except hearsay.

Q. You had nothing to do with the publication of any charges with reference to him, did you?—A. No, sir. I am glad you called my attention to that fact. Gen. Raum says I furnished the Smith matter to Fleming, that it was published by George B. Fleming directly after I furnished the charges against Smith, and that of course he got them from me. I believe that was his statement. He supposed that I furnished the evidence. I wish to state that I never gave out the matter to Mr. Fleming. Mr. Fleming came to me and asked me for it. I told him I had it, but he did not have it correctly; that he had it garbled, and that I could not, in justice to myself and to the Secretary, furnish him with that information, and he never got it. Another thing, the general says I was spying on him. Now, I wish to state that I never spied on any man in the office. Probably, if I had been that kind of a man, I would be there to-day. I did not spy on Pension Office clerks.

By Mr. PAYSON:

Q. What do you mean by that?—A. Just what I have said.

Q. What does it mean?—A. It means I do not spy on anybody.

Q. Probably if you had been a spy you could have been in the Pension Office to-day. Tell me just what you mean by that. Specify what you mean.—A. I mean just what I say.

Q. If you had been his spy, that would have retained you in office in violation of law. Who is the man that would do it?—A. Do you want to know what I mean? I can tell you. If I had toadied to the Commissioner of Pensions, and told him that Tom, Dick, and Harry were circulating stories about him, he would have kept me in the Pension Office.

Q. And told him the truth?—A. It would not have made any difference whether it was the truth or not.

Q. Do you mean that you would have been kept in office by Green B. Raum, that he would have kept you in office?—A. I said that. I mean just what I have stated.

Q. You are swearing as a matter of fact now?—A. As a matter of fact now. Just as far as I can go, I believe that statement is true.

Q. You are as certain of that as you are of anything else you have sworn to in this case?—A. Certainly, I am, sir. What I have sworn to in this case is borne out in the record.

By Mr. ENLOE:

Q. Did you have any connection whatever with Mr. Engle or Mr. Howard in making charges against the Commissioner, or trying to bring discredit upon his office?—A. No, sir.

Q. Did you engage in any intrigues with any Pension Office employés for the purpose of damaging the Commissioner or discrediting his administration?—A. No, sir; I did nothing of the kind.

Q. I see that the Commissioner says that Taylor, Engle, and Howard are the principal characters in this intrigue, which he says was to malign the office and its Commissioner. Do you state that that was not

true?—A. I state that that is not true as far as I or anybody about the Pension Office is concerned.

Q. Did he tell you you were charged with being in intrigue with Howard or Engle in the Pension Office?—A. I never heard of it until I saw the article.

Q. Have any of the Pension Office employés ever called your attention to the fact that there was such talk as that about the Pension Office?—A. No, sir; not as I remember.

Q. Were you plotting with anybody on the outside for the purpose of bringing discredit on the Commissioner or his office?—A. No, sir.

Q. Then, if the Commissioner made such charges in regard to you you say they are not true?—A. I do.

Q. Do you know whether or not those are the papers that were before the Secretary of the Interior at the time your resignation was demanded?—A. I do not know that there were any papers there. I did not see anything. They did not tell me there were any charges except the statement that was in the Star. That is what Gen. Bussey told me.

By the CHAIRMAN:

Q. On what date did you resign?—A. The 16th of October, 1891.

By Mr. ENLOE:

Q. Then if these papers were filed October 23, 1891, they were filed after you went out of office?—A. I was to all intents and purposes a private citizen then.

Q. Your resignation had been tendered on the 16th of October to take effect on the 16th day of November?—A. Yes, sir.

Q. And had been accepted?—A. And had been accepted the same day I tendered it.

Q. The Commissioner knew these facts, did he not?—A. I do not know whether he knew anything about them or not.

Q. He made the demand for the resignation. You do not know whether he was informed?—A. I do not know whether he did, except what I said there.

Q. Your resignation was tendered to the Secretary of the Interior?—A. The Secretary of the Interior. I had nothing to do with the Commissioner.

By Mr. PAYSON:

Q. On what date?—A. Sixteenth of October, 1891.

Q. It was not to take effect until the 16th of November?—A. The 16th of November.

Q. You were on the rolls until the 16th of November?—A. Yes, sir.

By Mr. ENLOE:

Q. You were to all intents and purposes out of the office?—A. Yes, sir.

Q. Is it not customary when they discharge a man there to give him thirty days' leave? He is considered and treated as having severed his connection with the Government from that date?—A. Defunct.

Q. Except that he is permitted to draw the thirty days' pay?—A. Yes, sir.

Q. Did the Commissioner write you a letter afterwards stating what he thought about your character in connection with the office?—A. The Commissioner of Pensions?

Q. The Secretary of the Interior.—A. Yes, sir; he wrote me a letter. It is on file here, I think.

Q. You received a letter from him? State if you remember what it was.—A. I have the letter here.

Q. State the substance of it.

By Mr. LITTLE:

Q. Give the date.—A. It will take but a minute to read it.

(The witness reads the letter.)

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1891.

DEAR SIR: Your letter of recent date has been received. Your resignation was for the good of the service with which you were connected. There were no charges deemed to affect your character or reputation. I had concluded before the letter of the Commissioner that your relations toward the pension service had become such, and your usefulness so greatly impaired, that you would do better in some other field. This judgment was based on the circumstances surrounding the case, and is still believed to have been correct.

Yours truly,

JOHN W. NOBLE,
Secretary.

Mr. F. M. TAYLOR,
1336 Q street NW., Washington, D. C.

By Mr. ENLOE:

Q. What is the date of that?—A. December 30, 1891.

Q. That is in response to a letter from you asking the reason your resignation was demanded, was it?—A. Yes, sir.

By Mr. DUNGAN:

Q. Did you ask in your letter if there were charges made against you?—A. I did, sir. My letter is a matter of record here.

By Mr. ENLOE:

Q. Then when that letter was written these charges—if they were filed at the date that they bear—were before the Secretary. When you wrote that letter those charges were before the Secretary?—A. What date is that?

Q. October 23, 1891.—A. They must have been.

By Mr. PAYSON:

Q. Speaking of the delay in these Latourette prosecutions, Mr. Taylor, you think you have said all you know about them, knowing the office as well as you ought to?—A. I have not said anything about the cause of the delay. I do not know anything about it.

Q. Did you not know that those cases were in the hands of the District attorney?—A. I know that cases of that kind generally need a little pushing.

Q. First, answer my question. Now, do you not know that indictments of the courts in this District found by the grand juries are under the charge, or in the hands, of the district attorney of the District?—A. Certainly, everybody knows that. Yes, sir.

Q. Now, do you want to swear so as to influence this committee that Mr. Lataurette has not been tried because the Commissioner of Pensions is favoring him?—A. I have not made any such statement.

Q. Is that what you want this committee to understand?—A No, sir; I do not.

Q. Well, then, why not say so?—A. Because I had not been asked to say so.

Q. You were asked to say what the course was with reference to these prosecutions. It is necessary to push them, is it?—A. No, sir; it is necessary for the man having them in charge to look after them.

Q. Who is the man who would push the prosecutions on these indictments?—A. When I had them, I pushed them. I supposed they would be assigned to somebody else who has charge of them now.

Q. Do you not think it lies in the hands of the district attorney to do just as he pleases with them?—A. You know that, too.

By Mr. DUNCAN:

Q. Does the Bureau in addition to the control, which the district attorney has—does the Bureau also put some persons to see about furnishing the testimony?—A. In the case where a special examiner made the report in a criminal case he is supposed to look after it.

By Mr. ENLOE:

Q. That is a part of his duty is it?—A. A part of his duty. I consider it so. They will lay there for months if they are not pushed; years, probably.

By Mr. PAYSON:

Q. You have examined the Key case carefully, have you, as an examiner?—A. I examined the case and the testimony.

Q. I understood you to say there is no evidence in that record showing the continuance of the disease?—A. No.

Q. You couple that with the statement—of course, there was an affidavit of Senator Voorhees who was not in the Army—did you say that?—A. Yes, sir.

Q. Have you read the affidavit of Senator Voorhees in the case carefully?—A. I read the affidavit of Senator Voorhees. I do not know that I read it carefully.

Q. Are you prepared to give a judgment about it?—A. Yes, sir.

Q. In your judgment, the case ought not to have been allowed?—A. Yes, sir; it ought not to have been allowed.

Q. Does not Senator Voorhees swear to the continuance of the disability during the service, notwithstanding he was not in the Army?—A. Well, on that point I do not know exactly what he does swear to.

Q. Then do you say there is no evidence showing the continuance of the disease? Are you prepared to say as to that?—A. I do not recollect that Senator Voorhees swore to that effect.

Q. I recollect that he did.—A. I recollect he said he knew the man well while he was at home. That is, he knew him during the period that he was in the Army.

Q. Now, does he not state that he was there on furlough, and he saw him when he was on furlough, and that he had evidence of this disease then?—A. Well, he says he knew the man during his period of service in the Army, and he testifies to the origin. Now, that is not competent testimony as to origin in a pension case. He may have been suffering from disability when he was at home, when Senator Voorhees saw him, but Senator Voorhees does not know where he contracted it, does he?

Q. Well, I am not testifying.—A. I thought not.

By Mr. DUNGAN:

Q. Does he say he knows where he contracted it?—A. I do not know.

By Mr. PAYSON:

Q. Your judgment, then, is that there is not sufficient evidence to justify the Commissioner of Pensions in allowing that claim?—A. It would be a very good thing——

Q. I am asking you now as to your judgment.—A. I have said so once or twice.

Q. You have only said so once. Do you want to examine the paper to see whether you still adhere to that opinion? You can do so if you please.—A. I do not wish to examine the papers. I adhere to the opinion I then expressed.

By Mr. ENLOE:

Q. I want to ask you if it is not one of the established rules of the Pension Office that in order to prove the origin of disability in the service that you must have the proof of an officer of the man's company or regiment, or of one or more of his comrades. Just state the rule now.—A. Yes, sir; the rule is that the origin has to be established by the testimony of a commissioned officer—first sergeant or two comrades at least.

Q. You stated in your examination yesterday, Mr. Taylor, that you had been appointed to a $1,600 position and assigned to duty in the field with clerks of that class—$1,600 clerks in the field—and their salaries were reduced to $1,400, did you not?—A. Yes, sir.

By Mr. PAYSON:

Q. What did you say yesterday as to what was done with clerks of like grades with reference to reduction in pay? Just repeat now what you said yesterday.—A. I understand all clerks who were drawing salaries exceeding $1,400 were given permission to come into the office at their present salary or to be reduced to $1,400 and stay in the field.

Q. Then what else did you say in that connection?—A. I stated that there were a number out and——

Q. What else?—A. I do not remember anything else.

Q. Then you put in the observation "that having secured your scalp"—do you remember that?—A. Yes, sir.

Q. "That having secured your scalp," these men were restored again?—A. I did not say that.

Q. I said that. After that others were sent out at a salary of $1,600 a year?—A. Yes, sir.

Q. First, name some of those who were sent out?—A. Mr. Wayson.

Q. First, how soon were they sent out?—A. Well, I can not tell the date, sir.

Q. About how soon?—A. The record will show, sir, over there.

Q. Do you remember the name of a man who was thus reduced?—A. I can not recall the names just now.

Q. Was C. B. Anderson one?—A. I do not remember anything about it.

Q. I am refreshing your memory, for you said there were several who were sent; you ought to know who they were?—A. I did not say there were several sent; I said there were several reduced.

Q. Do you remember that C. B. Anderson was one?—A. I do not.

Q. Do you remember that L. Craig was another?—A. No.

Q. Do you remember that J. H. Carr was another?—A. Carr was a higher clerk than a $1,400 appointment then.

Q. Do you not remember that he was one of these in this class that you referred to?—A. I referred to?

Q. Yes, sir. Was J. H. Clements another?—A. I do not know.

Q. Was M. C. Davis another?—A. I do not know.

Q. Was F. H. Sprague another?—A. Sprague was one.

Q. Did he succeed Stover?—A. I think Stover came in.

Q. Do you know of any others except these?—A. I do not know the names of any of these. I understood there were about sixteen. But the record will show.

Q. You are not prepared to say that that is not the entire list?—A. No, sir.

Q. You do not know that any one of these men who were reduced from $1,600 went out into the field?—A. No, sir; I do not say that.

By Mr. ENLOE:

Q. Was Mr. McCullough one of them?—A. He was not in the field.

By Mr. PAYSON:

Q. Did you furnish the list of these men to Secretary Noble, or one of the assistant secretaries, as a part of your complaints with reference to your treatment?—A. I furnished Secretary Bussey with a list of names. I do not know who they were now, but I got them from the record of men who were drawing over $1,400.

Q. What I am asking you now is, did you furnish a list of names?—A. I tell you I just furnished that list.

Q. That would not preclude you from furnishing another list?—A. No, sir; not that I remember.

Q. When you referred to the fact that Smith said he had access to the personal files, did not he say of his division?—A. No, sir; Mr. Smith had access to the files of any division in the Pension Office.

Q. That he chose?—A. Yes, sir. That is a well-known fact over there.

Q. I am asking you what you know.—A. Would that not be better testimony than mine. I would like to introduce this letter, as Mr. Payson has asked me about these $1,400 clerks. It is a letter from the Commissioner dated September 25, 1890. The letter is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., September 25, 1890.

DEAR SIR: I have your letter of the 25th instant, inclosing letters from Governor Fletcher, Judge Matthews, and Mr. L. W. Habercorn relative to your promotion.

In reply, I beg to state that upon a more careful consideration of the subject of the salaries of special examiners, I am confirmed in the opinion that the rate of $1,400 per annum, with the per diem attached, is all that this class of officers is justly entitled to, and in this view of the case Assistant Secretary Bussey, upon conference with me, duly concurs.

The fact that the eight persons of whom you gave Gen. Bussey a memorandum are drawing $1,600 per annum is no reason why a rule of this kind should be established; and the probability is that all these officers will be reduced.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Capt. F. M. TAYLOR,
Washington, D. C.

By Mr. PAYSON:

Q. That is in evidence already?—A. No, sir.

Q. I think it was put in by us, and it is Gen. Raum's evidence.

By Mr. ENLOE:

Q. You and Gen. Raum were on good terms prior to the report you made against Theodore Smith?—A. Yes, sir.

Q. Did you have his indorsement when you applied for a position?—A. I did.

By the CHAIRMAN:

Q. Whose indorsement, Raum's?—A. Yes, sir.

By Mr. ENLOE:

Q. Did you have any correspondence with him after he was appointed Commissioner?—A. I wrote him a letter congratulating him on his appointment, and received a reply.

Q. Have you got that reply?—A. I believe I have. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., October 22, 1889.

MY DEAR SIR: I beg to acknowledge the receipt of your kind words of congratulation upon my appointment as Commissioner of Pensions.

It is a great pleasure for me to know that my appointment is satisfactory to so many of my friends, and apparently to the public in general.

Again thanking you, I remain,

Very respectfully,

GREEN B. RAUM.

F. M. TAYLOR, Esq.,
Washington, D. C.

Q. You say, then, that nothing occurred after the writing of that letter up to the time you preferred charges against Theodore M. Smith that disturbed the harmonious relation existing between you and the Commissioner?—A. Nothing that I heard of.

Q. You know of nothing that occurred after that time to justify the charges he made against you, except your action in the Smith case?—A. Nothing that I know of, sir.

By Mr. PAYSON:

Q. Was there not feeling on your part as to your reduction from $1,600—upon Gen. Raum's attempt to have you?—A. Oh, there was not any particular feeling about it. I went to the Secretary about it.

Q. Had not you at that time been an applicant for promotion and had not you received it?—A. Yes, sir.

Q. Was there not a little feeling on your part about that?—A. I had no feeling about it. When he told me that $1,400 was all he thought clerks were entitled to and that the others would probably be reduced, I made up my mind that it was all right. I did not want anything that the others could not get. I went home that night—I think it was Saturday—and saw in the Star the announcement of Brook's promotion to $1,600. Brook was a special examiner in the District. I saw Secretary Noble that evening about it, and the following Monday he revoked the appointment of Brooks and gave me the promotion.

Q. I just asked you if you had any feeling about it?—A. I did not have any feeling; no, sir.

Q. In connection with these newspaper men—the information that was furnished from the inside to the outside—you remember in a general way, Mr. Taylor, of the different articles that appeared in the newspapers criticising Gen. Raum and the Bureau?—A. I saw the articles.

Q. You saw them published by the paper?—A. I am a newspaper man and read the papers.

Q. A good deal of that information must have come from employés in the office. Is it not a fact that no newspaper men could have gotten that information otherwise?—A. I knew that somebody was giving out that information and I wondered where they got it.

Q. Did not you know along or about that time Mr. Howard and Mr. Engle was suspected of furnishing it?—A. I did not.

Q. Have you ever heard any conversation on the part of the employés of the Pension Office, either in or out of it, as to who probably was furnishing this information?—A. There was a good deal of conversation about it. I wondered where they got it.

Q. Did you know from conversation with any of the men who were alleged to be, or admitted to be, authors of those articles—did you you know any of them?—A. I knew George B. Fleming.

Q. Did you not know from him or otherwise that he was doing some of this writing?—A. I knew he was writing for the Herald. I do not know where he got his information.

Q. I asked you about the authorship of the articles?—A. Yes, sir.

Q. How long a period of time did these articles cover?—A. I can not tell you.

Q. About how long?—A. They were running along for months, I think.

Q. During that time were you not pretty frequently in company with Mr. Fleming? I am not criticising you; I am asking you about the facts; I am asking you what the fact is.—A. It is no discredit. You can not discredit me in that way. I saw Mr. Fleming very frequently; I used to see him when I went up to the hotel.

Q. Who else would you see with him? See Howard and Engle with him?—A. I do not think I saw them. I do not think I ever saw Howard with him at the Willard's Hotel. I have seen Howard with him once or twice.

Q. Do you say now, under oath, that you never learned from anybody as to who was furnishing information as to the Pension Office as a basis of these articles?—A. I can say positively I never found out who did it.

Q. Did you ever hear from anybody?—A. I never heard who furnished the information.

Q. Did you ever hear of anybody else in connection with it?—A. In connection with furnishing information?

Q. Yes, sir.—A. That was a matter of record and the reason I did not state it was, this man who is now in the Census Office was put out for that reason.

By Mr. ENLOE:

Q. Mr. Renaud?—A. That is the only man that I ever heard of.

Q. In your conversation with Mr. Fleming at any time, did you talk about these articles and tell whether you thought he was correct in his criticisms or not?—A. No, sir. If there is any newspaper man in this town who knows anything that I ever gave him, I will release him from any obligation he thinks he is under to go on the stand and tell it.

By Mr. DUNGAN:

Q. Mr. Payson asked you if the reduction of salary created any feeling on your part toward the Commissioner. I want to ask you which happened first in point of time, the reduction of salary or the Smith charges?—A. The Smith charges were a good while before.

At this stage of the proceedings Mr. Enloe requested to be absent from the meetings of the committee for the period of ten days, to visit his home.

There being a quorum of the committee present, the request of Mr. Enloe was given immediate consideration, whereupon the committee passed the following resolution:

Whereas Hon. B. A. Enloe has been conducting the examination of witnesses before the Special Committee to Investigate the Pension Bureau, and has had sole charge of the papers and evidence; and

Whereas his absence will be a serious delay to the investigation, and a detriment to the public interests: Therefore,

Resolved, That we request Mr. Enloe to abandon his proposed visit home and remain here for the good of the public service, that the work of the committee be not hindered.

In view of this request upon the part of the committee, Mr. Enloe announced his purpose to remain.

WASHINGTON, D. C.,
Wednesday, April 13, 1892.

The committee met at 10 a. m.

Present, the Chairman (Hon. H. H. Wheeler), Messrs. Little, Dungan, and Lind, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF A. C. TONNER—Recalled.

By Mr. ENLOE:

Q. I wish to offer in evidence, in this connection, some letters here, and I will ask Mr. Tonner if these are from the office of the Interior Department, in order to identify the letters.—A. Yes, sir.

The letters and indorsements are as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, D. C., May 24, 1890.

MADAM: I am in receipt of your letter of the 17th instant addressed to the honorable Secretary of the Interior, and inclosing one from your husband, J. E. Engle, in which you request his reinstatement in this Bureau with a view to his transfer to the General Land Office, and in response thereto you are advised that if his transfer is requested by the Commissioner of the Land Office, and he can be reinstated under the Civil Service rules, I have no objection thereto.

Very truly yours,

GREEN B. RAUM,
Commissioner.

Mrs. J. E. ENGLE,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 13, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

UNITED STATES SENATE, *Washington, May 23.*

Hon. LEWIS A. GROFF,
Commissioner of the General Land Office, Washington, D. C.:

MY DEAR SIR: I sincerely hope you may ask that this transfer be made, by proper letter.

CHAS. F. MANDERSON.

I also hope that such a transfer may be arranged.

J. D. CAMERON.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 13, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

UNITED STATES SENATE,
Washington, D. C., June 3, 1890.

MY DEAR SIR: Sometime ago we wrote you in relation to the restoration in your Department of Mr. J. E. Engle, recently dismissed, with a view to his transfer to the General Land Office. Up to this time I have had no reply from that letter, and Mr. Engle informs me that he likewise has heard nothing from it.

This case seems to me to be a very deserving one, and I earnestly hope that you will give it your personal attention, and, if possible, reinstate Mr. Engle at as early a day as you can.

Yours very truly,

J. D. CAMERON.
CHAS. F. MANDERSON.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 13, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

DEPARTMENT OF THE INTERIOR,
Washington, June 17, 1890.

DEAR SIR: I have yours of the 14th instant in relation to Mr. Engle, of Pennsylvania, for reinstatement, and it shall have due consideration. Mr. Theodore Smith, who was active in his removal, has been taken from the head of that division, and I will have Mr. Engle's case looked into further. I can not promise you what the result will be, but the matter shall be investigated.

Yours truly,

JOHN W. NOBLE,
Secretary.

Hon. M. S. QUAY,
United States Senate.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 31, 1890.

DEAR SIR: The bearer of this letter, J. E. Engle, desires to be restored to the place from which he was recently dismissed. Mr. Engle served faithfully in the same regiment in which I served for three years. He was shot to pieces in his country's service. His case is deserving, it seems to me, in the highest degree. I hope you will see the way to restore him to his place.

Yours very truly,

M. BROSIUS,
Tenth District, Pennsylvania.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 13, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

The indorsements are as follows:

Date, June 3d, 1890. From Hon. J. D. Cameron, Hon. Chas. F. Manderson. Subject: Relative to reinstatement in the Pension Office of J. E. Engle, and his transfer to the General Land Office. Also letter from the Comr. of Pensions addressed to Mrs. J. E. Engle. Department of the Interior, office of the Secretary, Washington, April 13, 1892. I certify that this is a correct copy of the original. A. C. Tonner, chief of appointment division.

A. C. T. C. J. G. Department of the Interior, June 5th, 1890. Respectfully referred to the Commissioner of the General Land Office for recommendation and return. Geo. Chandler, 1st Asst. Secretary, E. M. D. General Land Office, June 11, 1890. Respectfully returned to the Hon. Secretary of the Interior. I am unacquainted with the facts which attended Mr. Engle's disconnection from the service, and decline to recommend his reinstatement with a view to transfer to this office. Lewis A. Groff, Commissioner. Department of the Interior, office of the Secretary, Washington April 13, 1892. I certify that this is a correct copy of the original.

C. J. G. Department of the Interior, June 13, '90. Respectfully referred to the Commissioner of Pensions for statement modifying the grounds of dismissal in such a way as to meet the requirements of the Civil Service Commission with a view to the restoration and transfer of Mr. J. Edgar Engle. Cyrus Bussey, Asst. Secretary. Department of the Interior, office of the Secretary, Washington, April 13, 1892. I certify that this is a correct copy of the original. A. C. Tonner, chief of appointment division.

BUREAU OF PENSIONS,
September 25, 1890.

SIR: I have the honor to recommend the promotion of J. Edgar Engle, of Pennsylvania, from a clerkship of class two to clerkship of class three, to take effect October 1, 1890, vice William P. Wetherell, promoted.

Very respectfully,

GREEN B. RAUM,
Commissioner.

To the Honorable SECRETARY OF THE INTERIOR.

This is true copy.
A. C. TONNER,
Chief Appointment Division.

JAMES E. ENGLE—Recalled.

By Mr. ENLOE:

Q. Did you make that affidavit which was filed here as an exhibit to Secretary Noble's testimony? I ask that this affidavit shall be admitted as testimony. Probably it ought to be admitted at this point, but it really was introduced in Secretary Noble's statement as part of his testimony; and also that the same course be followed with the affidavit of Howard.

The CHAIRMAN. So far as the gentleman mentioned in this affidavit, if he seeks to get Engle into office through the influence of his father, should have no bearing against the Commissioner unless there is some evidence tending to connect the father with it.

Mr. PAYSON. Then the papers admitted as far as you are concerned with that idea.

Mr. ENLOE. This statement of the chairman in regard to the admissibility of this testimony should go in Secretary Noble's deposition where these exhibits appear.

By Mr. ENLOE:

Q. Do you recognize this as the affidavit made and filed with the Secretary of the Interior?—A. I do, sir.

Q. Well, state what connection you had with the Pension Office at that time. What position did you occupy?—A. At the time of that affidavit?

Q. Yes, sir.—A. I was in the special examination division as examiner and reviewer.

Q. How long had you been connected with the Pension Office?—A. Twenty-one years the 16th of last February.

Q. You had been removed from the office prior to this time, had you not?—A. I had, sir.

Q. Who removed you, and on what ground, if you know?—A. I was removed by Gen. Raum. I presume my dismissal was stated upon the recommendation of the Commissioner of Pensions to the Secretary. I have no official knowledge of the grounds upon which I was removed.

Q. You know what the letter of the Commissioner showed in regard to it; whether it contained any charges against you or not?—A. I never saw the letter, sir. Excuse me, I did see the letter. Gen. Bussey showed me the letter. The Secretary stated, I believe, that the sole reason for my removal was upon the ground that I was not a proper person to occupy the position. The only other information I had in regard to the cause of my removal was in connection with the removal of Mr. Green B. Raum, jr., I think a day or two after my dismissal—I met him in the corridor and asked him why I had been dismissed.

By Mr. PAYSON:

Q. I object to that, Mr. Chairman, as Green B. Raum, jr., was out of office.—A. No, sir; he was in office.

Q. Well?—A. He stated I was dismissed on account of my connection with the rerated men; that I had been associated with parties who were inimical to the interests of the Commissioner, and that I had also been accused of drinking whisky in my division. I believe that was the statement. Further than that, the only other information I have is a letter which was forwarded to me by Senator Quay, which is here, from Secretary Noble. Otherwise I received no information upon the subject whatever.

Mr. ENLOE. You had better let that letter go in the record, I guess.

Mr. DUNGAN. That is the Secretary's letter.

Mr. PAYSON. Put it in.

By Mr. ENLOE:

Q. You were subsequently reinstated in the Pension Office?—A. Yes, sir; I was reinstated on the 21st day of June. I was discharged on the 5th day of April, 1890, and reinstated on the 21st day of June, 1890.

Q. When you were reinstated in the Pension Office, were you reinstated to the position from which you had been removed?—A. No, sir. I was reinstated as second-class clerk. I was removed as a fourth-class clerk.

Q. Was there any difference in your position?—A. Difference of $400 per annum, sir.

Q. Did you make any effort, after you were reinstated, to get a restoration to your former position?—A. I did, sir.

Q. Did you seek promotion in the office?—A. I was seeking restoration to my former grade; yes, sir.

Q. Did you, while Green B. Raum, jr., was in office, ask him about the matter?—A. I did, sir.

Q. Do you remember what he stated to you about your reinstatement to your position?—A. I do, sir.

Q. What did he say about it?—A. That is, not in regard to my reinstatement, but so far as the fact of dismissal was concerned?

Q. About your promotion to your former position?—A. He said that he himself had recommended my dismissal; three days after my dismissal he said he had found out enough, and that he would use whatever influence he had with his father to have me reinstated to my old grade. Subsequently, I think on the 29th day of September, I was promoted to a third-class clerk, but not through the efforts of Mr. Raum. I made a direct application to the Secretary and was promoted.

Q. Upon whose recommendation, or whose assistance did you have in that matter? Did you have any political influence?—A. Not a particle, sir; not at this time. I did not file any at that time.

Q. When Mr. Raum proposed to use his influence with his father, after he went out of office, to secure your promotion, state under what circumstances that was done.

Mr. PAYSON. That is in this affidavit.

Mr. ENLOE. It relates to a matter in the affidavit.

Mr. PAYSON. That, surely, is not competent, Mr. Chairman.

Mr. ENLOE. I will meet your objection. You stated that you received a telephone message from Green B. Raum, jr., to meet you on the corner of Ninth and F streets northwest, and on that occasion he promised to do you a favor by having you promoted if you would let him have $50 for a few days. That is the substance of your statement here.

Mr. PAYSON. That paper shows for itself.

Mr. ENLOE. I want to know whether he stated in a conversation if he ever mentioned the subject to his father.

The WITNESS. I do not recollect, sir. He said that he would.

Mr. PAYSON. Answer the question.

The CHAIRMAN. Did you ever at any time after that have a conversation with him?

A. I never had a conversation with him after that.

Mr. ENLOE. You refused to loan him the money?

The WITNESS. I did, sir.

Mr. PAYSON. Well, the affidavit shows that.

By Mr. ENLOE:

Q. You didn't get any promotion after that, did you?—A. No, sir.

Q. Have not gotten any yet, have you?—A. No, sir.

Q. Do you know of anybody else to whom he made similar representations for the purpose of borrowing money?—A. I know a person who told me that fact.

Mr. PAYSON. After he went out of office?

Mr. ENLOE. After he went out of office.

Mr. PAYSON. That, clearly, would not be competent.

By the CHAIRMAN:

Q. What is the name, Mr. Engle?—A. Edward Howard.

Q. This man here?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you know of any other person?—A. I do not, sir.

Q. After the filing of this affidavit which you filed with the Secretary of the Interior, do you know anything of any anonymous communications which turned up there in the office to affect you?—A. On the 1st day of November, as shown by the postmark here, I received this postal card. As I had never had any trouble with any person prior to that time, I presume, possibly, it may have been—but of course I cannot charge that. I presume, possiby, in some way or other, it had some connection with the case.

By Mr. DUNGAN:

Q. Was that sent through the mail just as it is?—A. That was sent through the mail just as it is.

Mr. PAYSON. I do not object to it; I think it ought to go in.

The postal card is as follows:

Mr. ENGLE:
Pension Office, City:
"*You* —— —— —— —— ——."

S.

☞ Beware the Ides of November.

By Mr. ENLOE:

Q. I want to know whether after this time, or after the filing of these charges, you know anything of an anonymous letter having been written to Mrs. Raum, preferring charges against certain persons in your division and having been investigated by the Commissioner of Pensions?—A. A few days before I was discharged I was informed by Maj. Barker, chief of the division, that an anonymous letter had been received by Mrs. Raum, in which, according to my recollection of the case—I never saw the letter—it was said that I had endeavored to place him in a compromising position with some women of the division, and that the writer had overheard a conversation between myself and a lady of the division, in which I desired her to meet me at some place or other, which she indignantly refused to do; and further, that Maj. Barker and myself were in the habit of drinking whisky in the division.

Q. That, however, was prior to the finding of this affidavit, was it not?—A. Yes, sir; that was two days before my dismissal; and I should like——

By Mr. DUNGAN:

Q. What was the date of your dismissal?—A. I was dismissed on the 5th day of April, 1890, and reinstated on the 21st day of June, 1890. I would like to make a statement in regard to that dismissal business. One morning (I had been suffering during the night with a very bad pain; I think it was in February or March) my arm, that is, my stump, had been paining me a great deal. A short time after I arrived at the office I told Major Barker that I desired to go out to get a drink of whisky, in order to relieve the pain. He said that he had been out on a kind of jamboree the night before, and his head was a little swollen, and he wished I would bring him a little whisky, and at the same time handed me money for that purpose. I brought him in a small bottle, think possibly less than half a pint, but I do not remember how much. I got it at a drug store; and he took a drink of the whisky during the day, and so did I once. I wish to say at no time during my official connection with the Pension Office have I drunk whisky in the office or out of it.

Q. Your record while you were in the Pension Office shows something of the character of service you performed as clerk, does it not?—A. I think so; yes, sir.

Q. Had you a good record there for efficiency in the performance of your duties?—A. Yes, sir; I have, sir. And I wish to submit, so far as my habits were concerned, which of course were brought into question in charging me with drinking, I wish to say in relation to that, that I have been in the office twenty-one years. At present there are in the office Col. Davis, Col. Stevenson, Mr. Merrifield, and Capt. Mitchell. Under those gentlemen I have served for possibly sixteen years before and since Mr. Raum's connection with the office, and also Mr. Murphy, who is not in the office now, but who was then chief clerk under Mr. Black, and with Mr. Howard, who was assistant chief clerk under Mr. Dudley. In regard to my drinking habits, I would like to refer you to those gentlemen, as to whether they know at any time, under any circumstances, I was under the influence of liquor, or if they ever knew me to lose a sixteenth of a minute from my official duties on account of liquor in any way, shape, and form; and further, I should like to submit the report which, for some reasons or other, I kept running for two years during Mr. Dudley's administration, which shows the rating in regard to habits, etc., the highest being 7 and the lowest nothing. During the two years

my habits in every case during the month were 7, and I have been above the average in the division in everything. There is not a single item there in which I have not been above the average.

Q. After you had filed these charges, do you know whether or not your mail was tampered with that came into the office there?—A. I have a letter here, sir, that bears the marks of having been tampered with. I received a letter here, I think the 16th of September, from my brother-in-law, who was quite a prominent lawyer in Philadelphia, in which he wrote me with reference to some family matters. When I got the letter it had evidently been opened. I returned the envelope to him, and from his statement in regard to it, it shows from the time it left him to the time I received it the letter had been opened.

Q. You do not know where it had been opened?—A. I have no idea.

Q. You do not know who opened it?—A. I only know it was addressed to the Pension Office, and I received it a few days afterwards.

By Mr. DUNGAN:

Q. Is there a box there, or did the carrier come and deliver it?—A. The mail comes to the office and is turned over to the mail clerk.

By Mr. ENLOE:

Q. Have you seen the statement which Mr. Ford made before the Commissioner, which the Commissioner filed with the Secretary of the Interior, charging you with holding improper relations with women there in the office?—A. I have; yes, sir.

Q. What have you to say in regard to that? Is that charge true?—A. That charge is not true, sir. I have never at any time or under any circumstances spoken to Mr. Ford with reference to any lady in the division in that way or in any other way; and further than that, I never seduced any woman at any time in the office or out of the office, connected with the office or otherwise, and I should like to call the attention of the committee to a little matter in regard to that affidavit of these folks on the face of which the supposed affidavit is presented and supposed to have been sworn to by Mr. Ford. It is very evident to me—possibly to no one else—that Mr. Ford committed a forgery in the matter, because the affidavit shows that it was not sworn to, because if he swore to it it is a singular thing that he can not recollect a few months afterwards that he had sworn to it.

By the CHAIRMAN:

Q. Do you deny the charge?—A. I deny the thing most emphatically. He would be the very last one in the world that I would bring into my confidence in that kind of thing, so far as that is concerned.

By Mr. ENLOE:

Q. Were you ever charged with furnishing information concerning these matters to George B. Fleming?—A. I have heard so. I believe I heard Mr. Payson so remark to Mr. Taylor yesterday; something in that connection.

Q. State whether or not you did furnish information at any time or under any circumstances.—A. The only conversation—while I associated with Mr. Fleming when I met him—the only conversation I ever had with Mr. Fleming in regard to this matter was simply in connection with this matter you spoke of here. I have never furnished Mr. Fleming or anyone with any facts in connection with the Pension Office, or the running of the Pension Office in any manner, shape, or form. I am not going to say that about Mr. Fleming or anybody.

Q. Did you enter into any conspiracy with Mr. Taylor or with Mr. Howard against the Commissioner of Pensions?—A. I did not, sir. I had no intention of doing so.

Q. Why did you go to the Secretary of the Interior and tell him what young Baum had said to you? What was your reason for doing that?—A. I received a letter from Senator Quay, indorsed by Senator Plumb, saying that they had been informed of the fact that the charges against me upon which I was dismissed had been withdrawn, or that they had been, upon an investigation, found not to be true, and they desired that I be reinstated to my former position of assistant chief. I went to Mr. Tonner, the appointment clerk of the Interior Department, and showed him that letter. In conversation with Mr. Tonner I made the remark that possibly, if I chose to pay $50, I could get this promotion without any further trouble, and that remark brought forth the filing of this affidavit. When I went to see Mr. Tonner I had no idea in the world or no desire to file the affidavit; but the remark made by Mr. Tonner called that forth.

Q. Do you know anything about the execution of the completed files order?—A. Well, Mr. Enloe, I was discharged when that matter came into the office. I never have been in the adjudicating division since that time, and of course I can not give any data in that regard from my own personal knowledge; but I would like to say, with all due respect to the committee, that I am a clerk in the Pension Office drawing a salary, and I do not think it would be exactly the thing for me to make any comments as to the running of the office in any form or shape, sir.

Q. Well, if you have any information that will tend to throw light on the matter I think you ought to give it.—A. I have no information, sir, at all.

By Mr. DUNGAN:

Q. You say you were not in office when that order went into effect?—A. No, sir; I think that order went into effect—I think it was June—the 5th day of June. I am not positive about that. I was reinstated——

By the CHAIRMAN:

Q. When was that?—A. Possibly January; I do not recollect the date of that order, but I had been in the adjudicating division four years when I was transferred to the record division. I have been in the adjudicating division within the last few months, and now I am not on the desk to which such matters go. I am on the miscellaneous desk, examining conundrums from attorneys and members of Congress.

By Mr. DUNGAN:

Q. If you have any knowledge of the workings of that office why do you make the remark that you would rather not be called on to make any statement about it?—A. Because I do not think it would be in place, sir.

By Mr. ENLOE:

Q. We are not asking you for your opinion, or what sort of an order it was, or anything of that sort. It would not be of any value anyway.—A. No, sir.

By the CHAIRMAN:

Q. This completed files order was given in 1889 or 1890—December 24 Order 149 was made. You were not in the office at that time?—A. Sir? In 1889?

Q. Yes, sir.—A. Yes, sir, but I was not continually.

Q. Did you have anything to do with selecting cases to go into completed files?—A. No, sir; I was in the special examination division at that time as a reviewer.

Q. Had you anything to do with selecting cases to go into completed files?—A. No, sir; nothing to do with it.

Q. Have you any knowledge of the cases that were selected?—A. I have not, sir.

Q. You were in the adjudicating division at that time?—A. No, sir; I was in the special examination division as reviewer, reviewing reviews returned by special examiners as to efficiency.

Q. That order would apply to cases before they are carried to the completed files?—A. Oh, well, this would, certainly; although there might be slips filed from attorneys in those cases. Not being complete, they were sent to the field for the purpose of being completed.

By Mr. DUNGAN:

Q. But the bulk of the work you did was on cases that had never reached the completed files?—A. Never had reached the completed files.

By Mr. ENLOE:

Q. I see in your affidavit here you refer to Harris G. Stover, and say it was a current rumor in the Pension Office that Stover had stated he would again be returned to duty in the field through the favor of Theodore Smith. Do you know of any other persons in the Pension Office or any person who heard Mr. Stover make that statement?—A. I do not, sir. That was told me at the time by Mr. Howard and some one else, but I do not recollect who that was now. I think it was somebody in the division in which he was employed who told it to Howard at the time when he stated it; and it was so reported in the division that he would be returned to the field through the influence of Mr. Smith.

Q. You state that you saw him hand a roll of bills to Theodore Smith?—A. I did, sir.

Q. And that some three days after this occurrence an order was issued sending Stover to Harrisburg, Pa., as a special examiner?—A. Yes, sir.

Q. That that money was handed to Smith by Stover. Was that money counted out to him like the payment of a debt, or did he just walk up and hand it to him?—A. He just walked up and handed him what appeared to me to be a roll of bills, possibly as big as my thumb. I was possibly within 15 feet of him.

Q. Did you hear either one of them say anything about it?—A. No, sir; I did not.

Q. Smith seemed to understand the matter, and Stover too?—A. Mr. Stover walked one way and Mr. Smith another. Smith walked right into the special examination division.

By the CHAIRMAN:

Q. Was that done in the Pension Office?—A. That was done in front of the door of the special examination division.

By Mr. DUNGAN:

Q. Were you able to know from their manner whether any words passed between them?—A. I do not think there were. There could not have been but very few remarks, because the occurrence did not last half a minute.

By Mr. DUNGAN:

Q. Was Stover on a desk then?—A. Yes, sir; he was in the special examination division at that time.

Q. How long after that did he remain at his desk?—A. Well, he went to the field three days after that occurrence.

Q. Three days after that occurrence?—A. Yes, sir.

By Mr. ENLOE:

Q. You say that that occurred on Friday, September 11, 1891, and that on September 14, 1891, some three days after the occurrence, the order was issued sending him to the field?—A. I think the record will bear out that statement, sir.

By Mr. PAYSON:

Q. What time of the day was it that these money transactions occurred, as you thought?—A. I do not remember, sir. I think it was in the morning, however.

Q. About what time in the day?—A. I could not tell you.

Q. During those hours?—A. Certainly.

Q. Where did that occur?—A. In the corridor of the Pension Office, in front of the special examination division.

Q. As none of us seem to know just where that was—I do not—where is it?—A. It was on the second floor, in the southeast corner.

Q. Same floor with the Commissioner's office, is it?—A. Yes, sir.

Q. It is an open, notorious place?—A. Yes, sir.

Q. Were there any other persons in sight?—A. I did not notice.

Q. You saw nobody else?—A. I was standing there.

Q. Was Mr. Howard standing there?—A. Mr. Howard called my attention to the fact that Mr. Smith and Mr. Stover were about to meet.

Q. How far away were you from them?—A. About 15 feet, I think.

Q. A little further than I am from you?—A. Very little.

Q. Were you out in the corridor together?—A. Yes, sir.

Q. When you saw them meet you saw one give the other what you thought was some money?—A. Yes, sir.

Q. The statement you make in this affidavit is that you inferred there was bribery done then and there?—A. I made the statement; that is just exactly what I say.

Q. Did you intend that any other inference should be drawn except what I have stated?—A. That was my inference; I think so yet.

Q. If Mr. Stover gave Mr. Smith some money to pay his wash bill with, are you prepared to say that that statement is not true?—A. I am not, sir.

Q. Which would be apt to know the best about it, Mr. Stover or you, in your judgment?—A. I presume Mr. Stover would know the best, of course.

Q. You think so?—A. Yes, sir.

Q. Did it ever occur to you that that would be rather an odd place for one man to bribe another—out in the corridor?—A. No, sir.

Q. You do not think it would be an unusal place?—A. No, sir.

Q. How large a roll would you think it was?—A. It seemed to be about as big as my thumb.

Q. To whom did you first tell that?—A. I told that first, I think, to the Secretary.

Q. When did you go to the Secretary with it?—A. Well, I did not choose to——

Q. Tell it to anybody in the office?—A. I do not recollect whether I did or not.

Q. How long after this was it before you told it to the Commissioner?—A. The 11th of September to the Commissioner.

Q. And to the Secretary?—A. I told it to the Secretary the day that I made that affidavit.

Q. I do not remember the date of that; do you?—A. September 10, 1891.

By Mr. ENLOE:

Q. About two or three days afterwards?—A. Yes, sir.

Q. You never furnished any information that was the basis of any of the newspaper articles?—A. No, sir.

Q. You know as a matter of fact that there were newspaper articles being written based upon what was assumed to be testimony gotten from the Pension Office?—A. I saw the newspaper articles.

By Mr. LIND:

Q. I believe you stated that you were standing there with Mr. Howard, talking, and you called Mr. Howard's attention to the fact that these two men were about to meet?—A. No, sir; Mr. Howard called my attention.

Q. What did he say?—A. He said, "Look at Stover and Smith."

Q. That was before they met?—A. That was when they were within 5 feet of each other—coming towards each other.

Q. Well, what made him make that suggestion?—A. I do not know, sir; he made the remark to me. I was taking a drink of water at the water cooler, and I looked up; and just as I looked up I saw Mr. Stover hand what appeared to be a roll of money to Mr. Smith. Howard asked me, "Did you see that transaction?" Said I, "I did."

Q. Did he call your attention to the fact that they were going to meet before they met?—A. When they were possibly within 3 feet of each other; yes, sir.

Q. Had you been talking about them at that time?—A. Not at all; no, sir.

Q. Well, can you imagine what led Howard to call your attention to the fact that these two men were about to meet?—A. I can imagine what led him to make that remark. Mr. Smith had been dismissed from office. He was a practicing attorney before the office; and notwithstanding that fact he made almost daily visits to the office. He would walk into the special examination division. He would place his feet up on the table and smoke a cigar and puff it, as if he was an employé in the office; and it was a matter of comment in the office at that time, and I presume for that reason Mr. Howard called my attention to Mr. Smith and Mr. Stover.

Q. Had you heard of or known of any peculiar relations existing between those two men previous to that time?—A. I had not, sir.

By Mr. PAYSON:

Q. You say Mr. Smith was out of office at the time?—A. Yes, sir.

Q. How long had he been out?—A. You can get the date from the date of his dismissal.

Q. Well, is not it in June?—A. Yes, sir.

Q. This was in September?—A. Yes, sir.

Q. What official influence could Mr. Smith have had in the office at that time, if he was out?—A. I do not know.

Q. If he had been doing this sort of business, how could he have done it officially?—A. That I do not know, sir.

Q. Can you imagine any way he could officially do anything for Mr. Stover at all?—A. Now, you are asking me for my opinion.

Q. Was there anything that Theodore Smith could officially do for Mr. Stover, he being out of office?—A. Well, I presume he could, on account of his friendship, possibly.

Q. I say officially?—A. No, sir.

By Mr. LIND:

Q. Had you had any conversation with Howard prior to that time in regard to this man Stover's connection with Smith?—A. No, sir; none whatever.

By Mr. ENLOE:

Q. Had you at that time heard the rumor in the Department that Stover expected to get back into the field through the influence of Smith?—A. I had heard the rumor, sir.

By Mr. DUNGAN:

Q. Before this transaction?—A. Yes, sir; before this transaction, because he went out to the field three days after that.

By Mr. ENLOE:

Q. Did you know that Theodore Smith had been dismissed from the office by the Secretary?—A. I was so informed; I had no personal knowledge of it. I know he was dismissed, from the letter I furnished, which is from the Secretary, which shows that fact.

Q. Do you know whether or not he was dismissed by the Secretary over the objection of the Commissioner of Pensions?—A. I do not know anything about that.

Q. Now, you say he was in the habit of coming in there and conducting himself in a manner very different from other employés, do you?—A. I do, sir.

Q. And what impression did that make upon your mind as to the privileges which he enjoyed?—A. My impression was he enjoyed privileges which were not accorded to any other attorney.

Q. Whom did he associate with—what gentlemen around the office there?—A. Well, I do not know, generally. I have seen him with a great many people.

Q. Where would you see him most frequently?—A. Generally in the neighborhood of the Commissioner's door. He would come up to the special examination division and stay there awhile, talk to different clerks of the division, except those he did not care to talk with, and myself.

Q. Was Green B. Raum, jr., in the office at that time or not?—A. Yes, sir.

Q. Was he ever up in Green B. Raum's office?—A. I have seen him there.

Q. Do you know anything about the relationship that existed between him and Green B. Raum, jr.?—A. I do not, sir.

Q. Who was chief of the special examination division at that time?—A. Mr. Butterfield was acting chief.

Q. Who was the assistant?—A. Mr. Welty.

Q. John M. Welty?—A. Yes, Mr. Welty; he is the present assistant chief.

Q. He was at that time?—A. This Mr. Welty was.

Q. He was then?—A. Yes.

Q. Do you know where Edward Howard is?—A. I only know, sir,

from the fact that he applied for his pension a few days ago—or rather in March—and that his address is given upon the voucher.

Q. Where is that address?—A. I can give you that address, sir.

By Mr. DUNGAN:

Q. He was not reinstated, then?—A. Mr. Howard was not reinstated of his own volition, sir, strange to relate. He lives at No. 60 Allcroft road, Kentishtown, London, England.

By Mr. PAYSON:

Q. We are unable to reach him.—A. I know he made the remark that a cablegram would reach him if they would call for him, but I doubt it very much.

By Mr. ENLOE:

Q. Do you know whether he left with Mr. Lemon, when Mr. Lemon left?

By Mr. DUNGAN:

Q. Howard remained there some time after this man Stover went into the field?—A. Oh, yes; he remained until two or three days before the last election.

Q. Did you and Howard have any talk about what you happened to see there, and after Stover had gone into the field?—A. I presume we had, sir, but I do not recollect any.

Q. I meant in connection with that circumstance?—A. Yes, sir; I presume we had. We must have done it, on account of the fact of his coming; but I do not recollect the conversation, sir.

TESTIMONY OF DAVID L. GITT.

By Mr. COOPER:

Q. You reside in this city?—A. Yes, sir.

Q. I will ask you to state if you are the same gentleman who made the deposition which has been made a part of the record here, which related to the use of my name upon Congressional call slips?—A. Yes, sir; I recognize the deposition.

Q. You have seen this deposition which I hold in my hand?—A. Yes, sir.

Q. Have you read it over this morning?—A. Yes, sir; just read it.

Q. I will ask you, Mr. Gitt, to give attention to the reading of this statement, and then after I have read it to state to the committee whether after reflection you think it ought to be modified in any respect, and, if so, to what extent, and how.

Mr. Cooper read the following extract:

During 1888 when Gen. Black was Commissioner, there was a great number of slips sent into the office by George W. Cooper, M. C., from Indiana at Columbus, Ind., bearing the printed card of Maring, Slusher & Co., of Columbus, Ind.

Before you answer I will ask you to state is that as taken from your deposition to which I have called attention—if that language is used?—

A. Oh, yes; that is the exact language that was used.

By Mr. DUNGAN:

Q. Was this man in the Pension Office during Black's administration?—A. Yes, sir; and twenty years preceding.

By Mr. COOPER:

Q. You may state after examination if you think this affidavit ought in any manner be modified; and if so, to what extent.—A. I think perhaps it should be modified to this extent: We had the greatest trouble with the Congressional correspondence at the time referred to in that deposition, immediately before and immediately after. Perhaps the modification should come in and apply to the spring of 1889 instead of the fall and winter of 1888. Gen. Black was Commissioner of Pensions up and until about the 20th of March, 1889, and was succeeded by Commissioner Tanner. It is possible, testifying at a period which is remote from the occurrence, that it was under Commissioner Tanner, and in the spring of 1889, instead of under Gen. Black in the fall of 1888, quite possible.

Q. I would like to ask you if you know that about this time that you spoke of, when the office was having the greatest trouble that you had ever known with Congressional call slips, it came to your attention or knowledge that Mr. Lemon had issued a circular to his clients asking them to call up their cases through their members of Congress?—A. I never heard of a circular of that kind issued by an attorney, but I would say in this connection, as germane to this subject, that Gen. Black was particularly sensitive about what he called the abuse of the Congressional privilege, and issued what was known in the office as his celebrated Congressional order, that the office was to pay no attention whatever to a Congressional inquiry if it was suspected that instead of being signed by a Member or a Senator it was signed by a delegate or a deputy or a clerk. We were instructed in a case of that kind to return the first offense to the Senator or the Member, and throw the second offense into the waste-paper basket. That was to prevent——

By Mr. DUNGAN:

Q. That was a general order?—A. Yes; but it was not aimed at any particular member of Congress; but it was aimed at the abuse which was fast growing up with members. Of course that referred to all letters filed by attorneys so as to get them in the office as Congressional, thus retarding the work of the office in various ways.

Q. Now, Mr. Gitt, I would like to ask you to state if you remember it to be a fact whether the office was not greatly troubled by the firm of Maring & Slusher?—A. My impression is that the firm of Maring, Slusher & Co. was considered, and justly, absolutely irrepressible. They were continually breaking out in a new spot somewhere. Their stuff was coming in printed in black one day and in red the next; from this member one day and from that member the next day, until it was time that they were being apprehended. They had gradually, not very gradually, either, dumped their entire docket on to the Pension Office, so as to have it treated as Congressional. We regarded this as an imposition by them on their members, as well as an imposition on the office. We knew that they knew what they were about, but we did not suspect the members knew they were being abused in that way.

By Mr. ENLOE:

Q. What were the circumstances under which you made this affidavit? How does it come about that you were called on for this information?—A. In conversation with Gen. Raum at his office on other matters, some weeks ago, the subject of Congressional slips was touched upon, and I told him that I remembered that there had been some trouble with Maring, Slusher & Co., of Columbus, Ind., and a few days

afterwards I was called upon by Mr. Greenawalt, who represented the Pension Office as a special examiner, and in answer to his interrogatories I gave those answers made in that affidavit.

Q. You are not a pension attorney?—A. Only to a small extent. I am a real estate agent. I am a real estate attorney. It is not my specialty at all, but some cases would naturally gravitate to a man who held the position I did as long as I did.

Q. Did you go to the Pension Office on that occasion to look up Pension Office facts?—A. No, sir, I did not.

Q. Did you go there at the invitation of Commissioner Raum?—A. I did not, sir.

Q. The conversation between you and him was in reference to other matters?—A. Yes, sir; and altogether of my own accord. Gen. Raum had nothing in the world to do with it. Neither was that affidavit prepared at his suggestion.

Q. This affidavit was taken. A special examiner called on you for the information?—A. Yes, sir.

By Mr. DUNGAN:

Q. After the talk you had with Raum?—A. Yes, sir.

By Mr. ENLOE:

Q. What did Mr. Raum say to you about it at the time you told him about this mattter?—A. I think that the conversation was very brief. He said that perhaps it would be well for me to make a statement in connection with the matter, and that I might be called upon for a statement in connection with the matter. He did not say that I would or that I would not. I told him any statement that I could make that would be of any value to him, or to the case, or to the office that was being investigated, would be cheerfully given by me.

Q. Did you in a conversation tell him that some of these slips bore Mr. Cooper's indorsement?—A. I told him that my impression was that some that Maring, Slusher & Co. had filed bore Mr. Cooper's indorsement.

Q. Did you tell him of anybody else who was using them?—A. I do not think I did.

Q. Do you know of anybody else who was using them?—A. I would not want to trust my memory for a thing of that kind. I could not mention the names of the other members.

Q. Do you know whether or not Senator Voorhees was one—whether they were using his name?—A. I would not like to say whether they did or did not at this period so far removed.

Q. The only Congressman whose name you could remember in that connection was Mr. Cooper's?—A. It seems to me that those slips and Mr. Cooper's name were inseparably connected. That is, rather, indelibly impressed upon my mind; more so, in fact, than any other member's.

Q. Did you read the evidence taken in the other Pension Office investigation?—A. No, sir; I have never seen anything of the investigation.

Q. You did not see anything about any testimony or statement made with reference to that matter before that committee?—A. No, sir; I did not.

By the CHAIRMAN:

Q. I would like to get your opinion in regard to the practical workings of this Congressional privilege, as you call it—and what sugges-

tions you could give this committee for its modification, if any, and how, and what should be done in your judgment?—A. Well, after a long experience in the Pension Office as principal examiner and chief of a division for twenty years, I would have to pronounce the Congressional privilege an abuse. It has grown into one of the evils which the office has always had, and which there is every prospect it always will have. It is simply impossible to eradicate that from the pension system. The claimant recognizes the right to write to his member of Congress. His member of Congress, through a disposition to be just, of course writes to the office. That makes a Congressional slip. One hundred thousand of those things have been fired at the Pension Office since your honorable body has met up to date. Now, the work of handling 100,000 Congressional slips is simply inconceivable to men who are outside of the bureau. It increases the work of the office just that much. They are more or less special—that is, not special in the specific use of the term, but they are treated and regarded as special from the inquiries that come in from attorneys and their claimants. They can not very well ignore them. It would hardly be just to ignore them.

Q. What would you say as to the advisability of limiting that privilege to a personal examination of the facts by Congressmen?—A. That would increase his burdens and make him wish he was dead; and I do not know of a man who would accept a nomination if he were compelled to do a thing of that kind.

By Mr. ENLOE:

Q. What is the reason Congress could not prohibit it?—A. Not hardly.

Q. Why could not Congress prohibit information being furnished?—A. Yes, sir; you would curtail a man's personal privileges in every way, and besides it would work a hardship on the claimant. You must remember, gentlemen, that all the time spent in handling the Congressional correspondence is time taken from the adjudication of a case.

By the CHAIRMAN:

Q. That is what we think.—A. It takes an examiner's time. Before the letter reaches the examiner it passes through the hands of a dozen other people, and if he sits down and answers it—and you are not satisfied unless the letter is answered—if he does answer it that is not adjudicating the case. That is time taken from the adjudication of a case.

Q. Now, can that be stopped? Should it not be stopped?—A. Well, I do not see how it can be stopped.

By Mr. PAYSON:

Q. If it could be, what would be the effect?—A. If it could be, the immediate effect would be of an increased output from the office. I refer to rejected and admitted cases. There would be a perceptible difference within twenty-four hours.

Q. Would it not actually result to the benefit of the claimants generally?—A. Yes, sir; it would result greatly to their benefit. The only thing would be to convince them of the increased facilities of the office. There would be a perceptible difference within twenty-four hours after prohibiting this excessive Congressional correspondence. The office would feel its relief from this tremendous burden, and put this time in really where it would do the claimant more good than in answering his letters. But if a man who has written to his member does not get a prompt response he is indignant about it.

By the CHAIRMAN:

Q. Suppose these men knew that such a law was passed in the interest of public service, would it not limit this correspondence and relieve members of Congress from it?—A. One thing, perhaps, gentlemen, is not considered; and that is the volume and magnitude of the Congressional correspondence of the Pension Office, which is always in proportion to the number of cases pending. The act of June 27, 1891, which brought in about a million cases, placed everything far beyond all previous records in fact. They have more cases in the office and a larger Congressional correspondence than they had ever had before.

Q. What I mean is, if Congress in its discretion should see fit to pass a statute prohibiting this Congressional interference, would not the knowledge of that fact to claimants be satisfactory, or ought it not to be?—A. Well, it would inure ultimately to the benefit of men who had their cases before the office. There is no question about that. The more time an examiner spends in writing letters and taking testimony the less time he will spend in sending cases to the board of review for admission. There is no doubt about that. The Congressional correspondence of the Pension Office has well-nigh stopped its machinery altogether at times. I think all the Commissioners—and there is certainly no exception to the rule—I think all the Commissioners have tried to answer, and I am sure that my instructions from the commissioners have always been to have absolutely no delay in answering the Congressional mail, to afford it every possible facility, no matter what the pressure of business was at that time.

By Mr. COOPER:

Q. I would like you to explain, if you can, to the committee the difference between the operation of a Congressional call and a certificate from an attorney that his case is complete, for the purpose of having it put upon the completed files. Now, what difference is there in the handling of the two papers?—A. Well, a slip from an attorney, in which he certifies that the evidence is complete, and asks to have the case placed on the completed files—why; there is no action other than the filing of that certificate of the attorney in that case. It requires no reply; but a Congressional slip always requires a reply, and is sent for that purpose.

Q. Is it not the custom whenever a case is placed upon the completed files either by a claimant or his attorney—does it not have the effect upon the case that the completed file slip is ready to pass out immediately to adjudication?—A. It does have that.

Q. It passes out immediately to adjudication?—A. Oh, no; a man gets a circular stating that it is now complete and on the completed files, and he is supposed to be satisfied, and it rests on that.

Q. Now, suppose as a matter of fact in practice it appears that out of the cases certified to be completed 80 or 90 per cent are not complete, would not those which are, if there are any complete, obtain an adjudication out of that time?—A. Oh, no, sir; if they are not sworn or certified that they are complete by the attorney, there would not be any attention whatever paid to his statement. He would be threatened with disbarment for stating such a thing if it were not true, and besides he would only be told in what respect——

Q. Which would depend, then, upon the attorney?—A. An attorney who would certify those facts to the office, or make a statement of that kind that a case was complete when it was obviously not, would lose weight and influence.

TESTIMONY OF JOHN RAUM.

By Mr. COOPER:

Q. Are you the son of the Commissioner of Pensions?—A. Yes, sir; I am the son of Green B. Raum.

Q. Where do you reside?—A. 1322 Rhode Island avenue.

Q. In the city?—A. Yes, sir; in Washington.

Q. Are you married or single?—A. Single.

Q. Do you live with your father?—A. Yes, sir.

Q. What is your business?—A. I am practicing law here in Washington.

Q. Any particular branch of the law?—A. My principal business is in the Court of Claims, in the Pension Department, and before the Treasury Department.

Q. How long have you been in the business?—A. I went in for myself when father retired from practice and accepted the Commissionership of Pensions. I was in his office for several years before that; I attended the Columbian College here, and while I was in his office.

Q. Were you in partnership with your father?—A. I was in his employ as clerk.

Q. What was the style of the firm?—A. Green B. Raum.

Q. You were not then partners?—A. No, sir.

Q. Had your father any partner?—A. No, sir.

Q. You were simply in his employ?—A. I was in his employ as a clerk.

Q. Did your father have some pension business pending?—A. Some; yes, sir.

Q. At the time he went into the Pension Office?—A. Yes, sir.

Q. Who succeeded him in that business?—A. I did.

Q. Did he execute to you power over those cases?—A. No, sir; he executed me an assignment under the rules of the office, and in each case, under the rules, I had to file a slip in the case stating that Green B. Raum had assigned the case to me.

Q. How many cases were assigned?—A. Father assigned two or three hundred, I think.

Q. Did you buy out some other attorney?—A. Yes, sir; I bought out A. C. Jenkins.

Q. How many cases were assigned you by him?—A. I do not remember exactly—in the neighborhood of three hundred pending cases—and old law-rejected cases that required some attention.

Q. Now, did you buy up any other business?—A. Well, I received assignments of some few cases—all law cases that require special attention—of men who wanted somebody to examine their cases, and I had to see what was the trouble with them. I never bought out an entire business. They simply assigned me a few cases.

Q. Have you a list of them?—A. No, indeed.

Q. Have you any record of them?—A. I have them in my office; yes.

Q. Record of those that were assigned to you from outside individual parties?—A. Yes, sir.

Q. How many cases have you pending in the Department now?—A. I really do not know.

Q. You can approximate?—A. No, I can not. A great many of the new-law claims have been allowed, and I have not kept a record of how many are still pending.

Q. You can give us some idea?—A. I really can not. I do not know.

Q. You can state whether you have a thousand, can you not?—A. I should judge so.

Q. You can tell us if you have more than a thousand?—A. I do not know whether I have or not. I really do not know how many cases I have.

Q. Would it be your opinion that you have as many as two thousand cases?—A. I do not think so.

By the CHAIRMAN:

Q. You think it is a thousand?—A. It may be more and it may be less. I do not know the figures, but I could find them. However, it would be considerable trouble to go over my books and find out.

By Mr. COOPER:

Q. Have you clerks employed in your office?—A. One.

Q. What is his name?—A. Albert S. Richardson.

Q. Have you stationery of your own—prepared blanks?—A. Yes, sir; I have here copies of circulars which I would like to present.

Q. Then I will ask you about that.—A. I thought I would bring them up. I thought perhaps you wanted to look at them. They are numbered according to the day of the issue.

Q. Have you regular blank applications?—A. Oh, yes.

Q. Declarations and forms to be filed in the Pension Office?—A. Yes, sir.

Q. Did you have that printed at your own request or order?—A. Why, I buy all my blanks. Some blanks I have printed with my own name, and for others I have a small stamp and I put my name on it.

Q. Have you in your office any stationery of the Department?—A. I do not think I have any except a few of those little call slips that attorneys use.

Q. Have you any blank declarations?—A. I have not.

Q. Have you had?—A. Not that I know of. I never got one from the office.

Q. You never yourself?—A. I never took one away from the Pension Office to my office or anybody else's office.

Q. Does not the Government furnish you with these blank declarations?—A. Attorneys could get them so far as I know.

Q. I will ask you to look at that declaration there and state whether you are the attorney in that case.—A. It seems so. My name is stamped in here. That is one of my blanks, I think, although I do not know.

Q. Is that one of your blanks?—A. I may have sent that out. Let me see where it is published. No, I get my blanks from Moore & Co. Always when I buy these old blanks they have the name below here. So that does not seem to be one of the blanks I use. I may, however, have purchased it from them.

Q. Is not that one of the blanks prepared by the Government?—A. I really do not konw. It may be. It looks just like those old blank forms that I used to purchase from Moore & Co.

Q. If that is the form of the blank prepared by the Government, how did you come by it? Where did you get that blank?—A. I really do not know.

Q. In whose handwriting is the declaration—you call this a declaration?—A. This is a declaration. Well, that looks like it is the handwriting of my clerk. I could not swear to it, though a portion of it——

Q. Did you ever have any correspondence, yourself, with Henry P. Ingram?—A. Not to my knoweledge. I do not remember having had any. I have with this man, George T. Hoke, notary public, who executed it.

Q. Do you know Henry P. Ingram?—A. Never saw him in my life, so far as I know.

Q. Do you keep letter-press copies of your letters?—A. No.

Q. You do not?—A. I do not.

Q. Do you know whether you have ever received a letter from him?—A. I presume I have. My files will show whether I have ever received anything from him besides this. It may be possible that that man Hoke wrote me. He sent me some papers, and he may have written me.

Q. You have some kind of an arrangement with him, have you?—A. I could not state positively. But I believe he sends me cases now and then. I can ascertain that by looking at my book.

Q. Would you not know whether you had ever paid him anything for sending you cases without looking at your books?—A. I do not recollect; I can not tell. I have a great many correspondents. I do not remember all of them that I make arrangements with.

Q. You may state whether the application was made out here in the city and sent out to Rich View, Ill., and then executed there before this attorney and returned to you, or how it was done.—A. Well, I should judge that that was executed at my office and sent out there and executed before the notary, from the fact that it is in the handwriting of my clerk and that stamp looks as if it is my stamp.

By Mr. PAYSON:

Q. Have you any individual recollection of this case?—A. None whatever.

By Mr. COOPER:

Q. You can look at the declaration and state to the committee whether your name was stamped in the declaration before it was executed or after.—A. I suppose it was stamped before. I do not know. I know one thing, that I never would put my name into an application after it has been executed.

Q. Did you have a power of attorney at the time that declaration was filed?—A. I really do not know without looking at the case to see whether I filed any power of attorney or not.

Q. There is one here.—A. I do not know whether I have or not. If you will refer to the fee agreements just below the date you will find there that that was executed on the second day of December, 1891; unless you have a power of attorney in there executed before; but I do not think you have.

Q. Then this affidavit was prepared and sent to you before you had any fee agreement?—A. So far as I know, but I do not recollect anything about it.

By Mr. DUNGAN:

Q. There are two dates here, one is the 8th of December, 1891, and the other December 11, 1891.

By Mr. PAYSON:

Q. That would be before?—A. That is after.

By Mr. COOPER:

Q. You may state whether that fee agreement or any part of it is in your handwriting.—A. Yes, sir; the signature is in my hand and also the 11th of December and those marks there.

Q. Can you give to the committee any explanation as to how that

declaration was made on a Pension Office blank?—A. I do not know as it was it was made on a Pension Office blank.

Q. You are not familiar with that form?—A. I know it is a Government blank.

Q. That being one of the regular forms of the Pension Office?—A. I do not know whether it is or not. I never saw any that I know of, unless that is one. I have seen law forms in the Pension Office.

Q. This clerk of yours—is he married or single?—A. Single, I think.

Q. Where does he live?—A. In Anacostia. At least his father is a minister and has moved out to Maryland, but I do not think he has gone to Maryland with his father.

Q. Has he been employed in the Pension Office at any time?—A. Not to my knowledge. I am quite sure he has not.

Q. I will ask you to look through the papers in his case and state for the purpose of ascertaining whether you had any power of attorney or authority other than these fee agreements to act.—A. There does not seem to be any in here. I will look further. I do not see any power of attorney here in the papers.

Q. Do you use this same form of stationery in your cases generally? —A. When I first started out I simply purchased blanks without any name on them. As my business grew larger I had my name printed in the blanks.

Q. Mention the kind of blanks.—A. Sometimes I would run out of blanks if I was not very careful—I would run out of printed blanks—and then I would go out and buy a few.

Q. When you ran out of printed blanks would you sometimes go to the Pension Office?—A. I never went to the Pension Office to get any blanks.

Q. At any event you never got any stationery from the Pension Office for this use?—A. Yes.

By Mr. LIND:

Q. Does not the Pension Office send applicant blanks?—A. Yes, sir.

Here the committee took a recess.

AFTER RECESS.

Judge PAYSON. Before we go on with Mr. Raum, while we are waiting I will ask a few questions of Mr. Engle. I hand you this blank, Mr. Engle. Tell the committee whether in your judgment that is a Government blank?

A. Indeed, I only know by the number at the head.

Q. I ask your judgment as to whether that is a Government blank?—A. I suppose it is.

Q. I will ask you if that, in your judgment, is a Government blank (handing another paper to witness)?—A. I suppose so; from the number.

Q. If it should turn out that that blank has been printed by a firm of W. H. Moore & Co. for the last ten years and sold by them, then your judgment isn't worth much on blanks, is it?—A. No, sir.

Judge PAYSON. I ask that because Mr. Cooper in asking the question just before the adjournment turned to Mr. Engle and asked him about these blanks and he said it was a Government blank and I wanted to show what he knew about it.

Mr. COOPER. I wish to state right here that there were a number of other employés sitting round and Mr. Engle was the nearest to me, and I knew him to be employed in the Pension Office, so I simply turned around and asked him; didn't pick him out particularly.

TESTIMONY OF JOHN RAUM—Continued.

Judge PAYSON. I want to show by Mr. Raum—I have sent to his office since the adjournment and he has procured some blanks and wants to offer them, and I desire that he should make a statement to the committee in reference to it.

A. I purchased this blank from W. H. Moore & Co., printers, of this city. I have just been down to the office of W. H. Moore & Co. and found this blank there which is now marked B, and was informed and have a certificate of the foreman of the printing office that it has been printed and in public use for over ten years, and it is the identical blank used in the case of Henry P. Ingram, the identical form of blank used in that case.

Judge PAYSON. We offer this in evidence.

Blanks attached here.

Mr. COOPER. I understand you have been to your office?—A. Yes, sir.

Q. Have you ascertained how it is that the case came to you?—A. I didn't make any inquiries about that at all. I went in relation to this, and I got a blank and then went to Moore & Co., and got the other, and that took up all my time I had.

Judge PAYSON. It seems to me, Mr. Chairman, at this point, that it is the duty of Mr. Cooper that he should make a withdrawal of any statement he made here in these questions in regard to Mr. John Raum.

Mr. COOPER. I object to anything of that kind going down.

Judge PAYSON. I want it to go down, and it is the proper thing to do, and the committee can do what it wishes afterwards.

Mr. COOPER. I don't know as other members are lectured and instructed as to what their duties are. I don't know whether that is the custom or not; but it is exceedingly distasteful to me, and I don't care to have it done.

Mr. LITTLE. I would like to inquire if it is not possible for us to have one of those blanks furnished us from the Pension Office?

The CHAIRMAN. Certainly.

Judge PAYSON. I will procure one for you to-morrow.

The following blank declarations were here offered in evidence:

[8—011.]

B *Declaration for the increase of an invalid pension.* B

STATE OF ———,
County of ———, *ss.*

On this ——— day of ———, A. D. one thousand eight hundred and ———, personally appeared before me, a ——— ——— within and for the county and State aforesaid, ——— ———, aged —— years, a resident of the ——— of ———, county of ———, State of ———, who, being duly sworn according to law, declares that he is a pensioner of the United States, enrolled at the ——— Pension Agency at the rate of ——— dollars per month, by reason of disability from [Here name the disability for which pension was granted.] incurred in the [Military or Naval] service of the United States while [Here state rank, company, and regiment, if in the Army—vessel, if in the Navy.] That he believes himself to be entitled to an increase of pension on account of [Here state the reasons for applying for increase. If on account of increase in the disability for which already pensioned, that should be described.] That he appoints ——— ———, of ———, county of ———, State of ———, his true and lawful attorney to prosecute his claim. That his post-office address is ———, county of ———, State of ———.

Claimant's signature: ———.
Attest: ——— ———.
———.

Also personally appeared ——— ———, residing at ——— and ——— ———, residing at ———, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say they were present and saw ——— ———, the claimant, sign his name (or make his mark) to the foregoing declaration; that they have every reason to believe, from the appearance of said claimant and their acquaintance with him, that he is the identical person he represents himself to be, and that they have no interest in the prosecution of this claim.

——— ———.
——— ———.
(Signatures of witnesses.)

Sworn to and subscribed before me this —— day of ———, A. D. 18—, and I hereby certify that the contents of the above declaration, &c., were fully made known and explained to the applicant and witnesses before swearing, including the words ——— ———, erased and the words ——— ——— added, and that I have no interest, direct or indirect, in the prosecution of this claim.

[L. S.]

——— ———.
(Signature.)

——— ———.
(Official character.)

INVALID.

Claim for increase.

....., Applicant.

.....Co., ...Reg't,

..... Vols.

(Pension certificate No. .....

FILED BY

APRIL 13, 1892.

I hereby certify that this blank is printed by W. H. Moore & Co., printers, for sale for public use, and the same has been printed for several years.

C. T. CATHCART,
Foreman W. H. Moore & Co.

The post-office address (naming street and number in all large cities) of the applicant, attorney, and witnesses should be embodied in or accompany every application, *and all evidence in each claim;* and each change of residence of said parties, while communicating with the Pension Office or the pension agents, should be stated.

Pensions are, by law, exempted from any liability on account of the obligations of the pensioners, and no lien upon them can be recognized.

Testimony in support of allegations made in a declaration may be taken before any officer whose authority and signature are duly certified, and who shall disclaim any interest, direct or indirect, in the prosecution of the claim.

If executed before any officer other than a clerk of a court of record, the certificate of the clerk as to the official character and genuineness of the signature of such officer should be attached.

As furnished by the Pension Office.

[3—011.]

B *Declaration for the increase of an invalid pension.* B

[The pension certificate should not be forwarded with the application.]

STATE OF ———,
County of ———, *ss.*

On this —— day of ———, A. D. one thousand eight hundred and ninety-———, personally appeared before me, a ——— ——— within and for the county and State aforesaid, ——— ———, aged —— years, a resident of the ——— of ———, county of ———, State of ———, who, being duly sworn according to law, declares that he is a pensioner of the United States, enrolled at the ——— Pension Agency at the rate of —— dollars per month, by reason of disability from [Here name the disability for which pension was granted.] incurred in the [Military or Naval] service of the United States while [Here state rank, company, and regiment, if in the Army; vessel, if in the Navy.] That he believes himself to be entitled to an increase of pension on account of [Here state the reasons for applying for increase. If on account of increase in the disability for which already pensioned, that should be described. If on account of disability for which not pensioned, the location of the wound or injury, the name of the disease, and the *time, place,* and circumstances of its origin, and the names of hospitals where treated in the service, should be fully stated. The date of treatment should be given as nearly as possible.] That he appoints ———, of ——— county of ———, State of ———, his true and lawful attorney to prosecute his claim. That his post-office address is ———, county of ———, State of ———.

Claimant's signature: ——— ———.
Attest: ——— ———.
——— ———.

Also personally appeared ——— ———, residing at ———, and ——— ———, residing at ———, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say they were present and saw ——— ———, the claimant, sign his name (or make his mark) to the foregoing declaration; that they have every reason to believe, from the appearance of said claimant, and their acquaintance with him, that he is the identical person he represents himself to be, and that they have no interest in the prosecution of this claim.

——— ———.
——— ———.
(Signatures of witnesses.)

Sworn to and subscribed before me this —— day of ———, A. D. 189—, and I hereby certify that the contents of the above declaration, etc., were fully made known and explained to the applicant and witnesses before swearing, including the words ———, erased, and the words ———, added, and that I have no interest, direct or indirect, in the prosecution of this claim.

[L. S.]

——— ———,
(Signature.)
——— ———.
(Official character.)

The post-office address (naming street and number in all large cities) of the applicant, attorney, and witnesses should be embodied in or accompany every application, *and all evidence in each claim;* and each change of residence of said parties, while communicating with the Bureau of Pensions or the pension agents, should be stated.

Pensions are, by law, exempted from any liability on account of the obligations of the pensioners, and no lien upon them can be recognized.

Testimony in support of allegations made in a declaration may be taken before any officer whose authority and signature are duly certified and who shall disclaim any interest, direct or indirect, in the prosecution of the claim.

If executed before any officer other than a clerk of a court of record, the certificate of the clerk as to the official character and genuineness of the signature of such officer should be attached.

TESTIMONY OF THOMAS W. BUCKEY.

THOMAS W. BUCKEY, being duly sworn, deposes and says as follows:

Examined by Mr. COOPER:

Q. State your name to the committee.—A. Thomas W. Buckey.

Q. Where do you live?—A. I live in the county on the Woodley Lawn road.

Q. I will ask you if you are acquainted with Green B. Raum, Commissioner of Pensions?—A. Yes, sir.

Q. I will ask you if you are or ever have been associated with him in a business transaction? And if so, state what it is.—Yes, sir; I was associated with him in the American Gypsum Mining Company. I got him to go into that company with me and we afterwards made him president of the company, thinking he was a pretty good man.

Q. State the capital stock of the company?—A. Two million dollars.

Q. Who were the stockholders of it?—A. The stockholders of record are Gen. Raum, W. W. Flemming, and myself, Gen. Dudley, and J. Bradley Tanner.

Q. Col. W. W. Dudley?—A. Yes, sir. And Theodore P. Watson, of Virginia, and a man by the name of Jones, and a Miss Brown and a Mr. Brown, in Virginia. There may be others that I don't know. I have not had the pleasure of seeing that stock book but once since Gen. Raum has had it.

Q. The gentleman you name as J. Bradley Tanner—has he been the private secretary of the Commissioner?—A. Yes, sir.

Q. Was he at the time he became a stockholder in the company?—A. Yes, sir.

Q. And was Gen. W. W. Dudley a pension attorney in this city here?—A. Yes, sir; I think so.

Q. I will ask you if you ever had any conversation with Gen. Raum on the subject of his borrowing money on the indorsement of George E. Lemon, and if he told you, to what extent and how he came to get the money? Please tell the committee all about it.—A. I never had a conversation with him on that subject but on one occasion; that was shortly after it had become public, I think through the newspapers; I don't know how. Anyway, Gen. Raum was coming down the street with me. We were between Eleventh and Twelfth streets, on the south side of the street. We were walking along, talking about our gypsum matter—it was hanging fire—and he remarked that if he had taken the

$25,000 that he got from Lemon—that was my understanding—the $25,000 he got from Lemon and put in Refrigerator Company, if he had put it into our concern we would have been afloat. I asked him about it, and he told me he had taken $100,000 of the stock of the Gypsum Company and hypothecated it with Mr. Lemon for the use of money, thinking by gaining control of the Refrigerator Company he would be able to recoup sufficient funds from the Refrigerator Company in order to carry out his contract with Mr. Flemming and myself, and he regretted that he did what he did with it instead of putting it into our company, which would have left us floating at this time. I afterwards told him I didn't think there was much difference between that and embezzlement.

Mr. DUNGAN. Your company was capitalized at $2,000,000?

A. Yes, sir.

Q. What is the value of the property it owns, if put on the market?—A. Well, sir, we had 2,325 acres of ground down there, and it has been worked, some portions of it, for sixty years. I could give you an idea of what should be the value of it per acre if I should say to you that the price of that stuff, ground, is $7 per ton, and it doesn't cost more than $2 to get it out, and it is there in unlimited quantities. I imagine that the ground would be sold at auction and under the flag and would bring from $50 to $60 per acre; that is, for agricultural purposes.

Mr. COOPER. I will ask you to state if you have any paper or document of any kind which shows upon it the ownership of stock by Col. Dudley.

A. Yes, sir; I have.

Q. I would like to have you exhibit it to the committee, please.

(Witness hands paper to Mr. Cooper.)

Judge PAYSON. The committee will understand that this is under objection, and at the proper time I will move to strike it out, and unless some connection is made, and without consuming any time, I have no objection to any paper being put in over the objection I have stated above. There will be no contradiction from this side of the table that Col. Dudley has stock.

A. Gen. Raum testified that he didn't know Gen. Dudley or Tanner had a penny's worth of interest in the company, and he came and stooped over to me here in the room and said, "I didn't know whether those men had any interest in that company or not;" and I said, "Gen. Raum, that is not so. I have met you a great many times. I have got Col. Dudley's money, and I have been to you a great many times to get this stock to turn over to Col. Dudley and to Mr. Tanner."

Mr. COOPER. I will ask you if this document, on the back of it, contains an indorsement?

Mr. ENLOE. Let us read this document. This I understand to be a duplicate of the original contract?

A. Yes, sir.

Mr. COOPER. Are the signatures original?

A. Yes, sir. I will tell you how that happened. I lost the one I had, and I made a copy of this from the one Gen. Dudley had, and I took it down to Gen. Raum and he kept it there for some time and finally signed it and gave it back to me.

Mr. ENLOE. You made that assignment to Col. Dudley?

A. Yes, sir.

Q. Were you ever able to pay the stock to Gen. Dudley?—A. No; sir; I have never been able to get one single share of stock from Gen. Raum since we unfortunately made this agreement. You will notice this attorney who wrote this agreement failed to state some definite period for Raum to carry this out—what he undertakes to do for us—and he has taken advantage of it ever since and kept it, and he has got the stock and everything else.

Q. He has all the stock and the stock book down there?—A. I have seen the stock book once, and I have just seen it once, and then with some difficulty, because I had heard on the street that I had better go and look after it; that Gen. Raum was pretty hard up, and I went down and saw it, and the stock book at that time was all right; and the stock that went to Mr. Lemon, Gen. Raum told me, was company stock; that he thought by getting money from Lemon and buying a controlling interest in the Refrigerator Company he could at once turn it over and sell enough of the territorial rights of the Refrigerator Company in order to float our company down there. I should not have objected if he had done so, but the Refrigerator Company went by the board, and so our own company was out. He afterwards told me that that was his own stock, and I asked him, "if it is your own stock why don't you give me mine," and he has refused, and refused persistently, ever since. I went to him when I sold Gen. Dudley that stock and almost begged his permission to do so, and he finally agreed to.

The CHAIRMAN. What knowledge did Green B. Raum have of this assignment which had been made to Mr. Dudley?—A. I went to Mr. Raum and asked him if he had any objection to my selling that stock to Gen. Dudley, and then when I lost my agreement there I was a little uneasy about it, and I went and got Gen. Dudley to let me copy his, and I copied from that, and then I went to Flemming and compared this copy with his; his was the original copy. And after he found it was all right he affixed his signature—that is, Gen. Raum.

The CHAIRMAN. Did Flemming affix his signature also?

A. Yes, sir. And then I went to Gen. Raum, and he said he was very busy, and he kept it four or five or six weeks, and I finally got it from him.

Mr. COOPER. Was the indorsement of Dudley on at that time?

A. Yes, sir; it is an exact duplicate of that paper.

Q. I want to ask, and I want that question taken down too, was Bradley Tanner, at the time he bought an interest in this corporation, in the Government service?—A. Yes, sir.

Q. As private secretary to the Commissioner?—A. Yes, sir.

Q. Now, who made the negotiation with you in behalf of Dudley?—A. Mr. Tanner did.

Q. He brought the matter to your attention and introduced you to Gen. Dudley?—A. Yes, sir.

Mr. DUNGAN. Did Gen. Raum, when he went into this enterprise, know what the 2,300 acres had cost?

A. He knew all about it, sir.

Q. Knew what it cost?—A. Yes, sir. He is in this thing on the ground floor.

Q. Have you any objection to stating what it did cost?—A. No, sir; not in the world, but I can't tell you from memory.

Q. Approximate it?—A. I think we agreed to pay them, down there, in the neighborhood of $100,000—that is, in cash I mean—and we have paid them some of it in stock.

Mr. ENLOE. Do you know whether or not Gen. Raum has paid any money in this enterprise?

A. Yes, sir.

Q. How much money has he put into it?—A. I can't tell you how much money he has put into it; I have only heard from him.

The CHAIRMAN. From him, himself?

A. From what he said, my recollection is he claimed to have put in $16,000 to $20,000 down there.

Q. There has been money paid there, then?—A. He paid it as long as he had it to pay.

Mr. DUNGAN. You used the expression a few moments ago, when asked who the stockholders were, that the stockholders of record were so and so. You mean by that that there were other persons interested who did not appear in the business?

A. No, sir; I mean that is all I know anything about. I tell you again I can not get a statement from Gen. Raum; he has got everything, the books and all, and I have only seen the stock book once.

The CHAIRMAN. You say if he had got the money from Lemon and put it into this company it would have floated you. Didn't it float?

A. No, sir; not very far.

Q. It is about where it was?—A. It didn't float, sir, simply because of that foolish agreement which I made.

Mr. COOPER. As a matter of fact, your corporation or company, of which Gen. Raum is president, did you ever own this property down there, or only have options on it?

A. No, sir; I bought that, every foot of it, myself, and nobody else. I didn't take options on it; I took contracts.

Q. Have you had any deeds?—A. Yes, sir.

Q. For any considerable portion?—A. Yes, sir.

Q. Isn't it true that you had a certain time in which to pay, and if you didn't pay you were to forfeit all you had paid and the land?—A. Yes, sir.

Q. Isn't it now in a condition to be forfeited?—A. Yes, sir.

Q. You may tell why now.—A. Notes were given for this purchase money down there, and some of the money has been paid in good faith. Gen. Raum, since that time, has been unable to make any payments down there, and none of the notes were to be sued upon or foreclosed. They were not to foreclose until the 18th day of this month, and an agreement was made with these people down there somewhere prior to April 27, 1889; and Gen. Raum has not had money, and consequently he can't pay it, and they have written me that they are going to institute foreclosure proceedings as soon as the time expires; that is, on the 18th of April.

Q. Who is Mr. Flemming?—A. An attorney at law here in town, in the Washington Loan and Trust Company building.

Q. Is he practicing law before the Pension Bureau?—A. Yes, sir, I have always understood he was.

Q. Has he ever been disbarred?—A. Not that I know of.

Q. Any charges preferred against him?—A. I don't know as to that.

Q. Do you know of his having been arrested by some secret service officer of the Government for violation of the pension laws?—A. No, sir, I didn't know of his being arrested; I thought he was in danger of being arrested at one time, though.

Q. On what account?—A. Using pension vouchers.

Q. How did he use them?—A. If I am going to tell you about that I might as well tell you the whole of it.

Judge PAYSON. Tell us what you know. These are facts you know yourself?

A. Yes, sir.

The CHAIRMAN. Go on and tell us.

A. Mr. Flemming was with me in this matter. I paid him $250 to go with me to fix up these papers and then when we got back we agreed to go into business together. He was a lawyer and we were to go into business together. He knew all about the pension business and I understood that was a pretty good business and some people had made considerable money by it, so we worked on together for some time. I was to run the real estate and he run the law business. Of course we were going into the pension business too. After some considerable time we got names from sheets that large, sheets as large as this brown paper here.

Q. (By the chairman). Twenty inches square or more?

A. Yes, sir; and I understood that they were Flemming's. He was a very prominent North Carolina Democrat, and he told me those were names that had been taken of soldiers who were pensioners in order to send them Democratic literature out over the country. I took all that in, and we were getting along with the pension business first rate. One day I went into the office, one evening rather, and I saw a jacket——

The CHAIRMAN. What office?

A. My own. There was a revolving desk there and on the top of it my boy drew my attention to these papers on top of it. They were pension jackets, that is, pension papers, pension vouchers. It showed where the soldier was, what he was pensioned for, and his present disability, and how much he was getting, and all that sort of thing. It was a pretty straight thing, you know. They were all sitting up there on top of the desk in a package about that thick and my son said to me, "Father, look here," and I looked and it scared me half to death.

Mr. ENLOE. How thick a bundle?

A. About 6 inches, I reckon.

Q. Could you estimate about how many in the bundle?—A. No, sir; I never was so scared in my life. I saw they were Government papers, and just before that Col. Allen Rutherford had got himself into trouble for having copies of papers in his office.

The CHAIRMAN. Do you mean to say those were original pension papers?

A. Yes, sir; I took them to be original. I was standing talking to my boy, and I said, I will get out of this office to-night, and my wife came in and I told her my determination to leave it.

Mr. BROSIUS. Pass all this conversation with other people. It doesn't seem to have any relation with this subject now.

A. All right, I will pass that conversation, but I said to Mr. Fleming, I want to get that in——

Mr. LIND. About when was this?

A. About '89.

Mr. ENLOE. It was after this contract had been entered into with reference to the Gypsum Mining Company?

A. Yes, sir.

Q. While Mr. Raum was Commissioner of Pensions?—A. Yes, sir. The next morning I told Mr. Flemming—I told him that night, I wanted to get out of the business, and the next morning he told me to go to

the office and we would arrange about it, and Monday he told me he would assume all responsibility, and he sent me off to the Treasury building, and I went and saw Hussey and he showed me in there in a room a whole lot of the same kind of vouchers, and he finally gave me his check for $100 that day, and I got out of the business.

Judge PAYSON. What has that to do with this?

A. It seems he was my partner, but I didn't know at that time. It seems he was with Mr. Flemming. The firm's name was Flemming, Buckey & Hussey, but Hussey had a son in our office which I supposed was the partner.

Mr. DUNGAN. You didn't know who the partners were?

A. No, I never saw this other Hussey excepting when he came in, and Mr. Flemming sent me over and he paid me my $100 and I left, and I told Mr. Raum after that that I thought he ought to know about it, and I told him exactly all about it.

The CHAIRMAN. When was this?

A. Immediately, in a month's time afterwards I told him about it and that he ought to be careful.

Q. You say this was at the Treasury Department?—A. Yes, sir. He was afterwards arrested by the secret service officers, I think.

Mr. ENLOE. Did you tell Mr. Raum he had better be careful?

A. Yes, sir; I told him I thought he would get into trouble and I would advise him not to have anything to do much with Mr. Hussey or Flemming.

Q. Did you understand he was having anything to do with them?—A. I supposed Mr. Flemming was practicing before his department; that is, I supposed he was and I suppose he is yet.

Judge PAYSON. The papers you saw in the Treasury in Hussey's room, when you discovered he was your partner, were the same kind of papers you saw in your office?

A. Yes, sir.

Q. They were Treasury papers, then?—A. Yes, sir.

Q. They were not Pension Office papers?—A. They were jackets. They are vouchers for pay put in the jackets and kept in the Treasury for safe-keeping.

Mr. BROSIUS. Did you examine the papers in your office?

A. I told you, sir, I never opened them. I just pulled down the newspaper and left them. I saw they were Government papers and next day I saw lots that looked just like them.

Judge PAYSON. In the Treasury?

A. Yes, sir.

Mr. ENLOE. Did you tell Mr. Hussey of having seen these papers?

A. Yes, sir.

Q. What happened about that?—A. He told me I was foolish to get out, we could get 40,000 names there.

The CHAIRMAN. Soldiers' names?—A. Yes, sir.

Judge PAYSON. From the Treasury?

A. Yes, sir; I never looked at the papers, I could tell from the appearance.

Mr. DUNGAN. When you talked to Flemming and Hussey, and remarked about their being there, did either of them say they were not public papers and it was not all right to have them there?

A. No, sir. I told Mr. Flemming about Col. Rutherford, and he said, "Don't you worry anything about that;" and I said "What papers are those at the office?" and his remark was, "Ask me no questions and I will

tell you no lies." I told him that would not satisfy me, and I asked him again and he said he would take all the responsibility, and I told him I would get out.

Mr. ENLOE. How did you happen to go to Hussey?

A. Flemming sent me there.

Q. What for?—A. To see him, as he said Hussey would buy me out.

Q. Then you found out he was your partner?—A. Yes, sir.

Q. Now, did you tell Mr. Hussey you had seen these papers down there and call his attention to the fact that they were papers in that office the same as those he had there?—A. Yes, sir; and then he opened a door and said that we could go to a room in the Treasury there and get them. He then got up and went to the place and pulled down these papers and told me we could get 40,000 names there, and said: "Look at the money we would make out of it!"

Mr. DUNGAN. That was in the public Treasury?

A. Yes, sir.

Mr. LITTLE. How were you going to make money out of them?

A. My dear sir, it is a bonanza to a pension attorney; I could see that myself, or anybody could see it. You have the man's name and his address and all about it, and they can be used in increased pension cases.

Q. For increase?—A. Yes, sir.

Mr. DUNGAN. Status of the cases?

A. Yes, sir.

Mr. ENLOE. I want to know when you went to Gen. Raum about this matter.

A. Let me make this one statement to you, gentlemen: After I received my $100 I gave a quit claim and got out of that, and it was a question with me whether to tell him or not, and to me it was like playing the rôle of an informer, which didn't exactly fit me; I didn't go there. But in a few weeks after that the Post in the morning told me Mr. Hussey had been arrested for that very thing.

Mr. LITTLE. Did he hold an official position under the Government?

A. Yes, sir.

Q. What was it?—A. I don't know.

Q. In what Department?—A. In the Treasury. And I then found out that the secret service had got after him, and I then went over with my son right straight to the Solicitor-General's office in the Treasury and told him all about it, and he said, "I am very glad you have been over here, because this is a terrible, terrible thing;" and I asked him whether he thought I was all right in it, and he said, "You are all right; what you say to us has already been corroborated."

The CHAIRMAN. How long after that before you went to Gen. Raum about it?

A. I was going to say that after I was at the Solicitor-General's office and they didn't know who would prosecute it, and I had my son there with me and our evidence was taken by them, and that is the last I ever heard of it. I told Mr. Raum after that because I thought I had a right to do it. I did it because I was very fond of the old gentleman and he didn't seem to attach much importance to it.

Mr. DUNGAN. Told it just as you have here?

A. Yes, sir.

Judge PAYSON. At that time it was all exposed and in the papers throughout the country?

A. Yes, sir.

Q. You didn't mean to convey the idea that those papers you spoke about came from Gen. Raum's office?—A. No, sir, not at all; they were from the Treasury Department.

Mr. ENLOE. Do you know whether or not Mr. Flemming continued to practice before the Bureau of Pensions after that time?

A. Well, I couldn't swear to that, you know. I could say to the best of my knowledge and belief he did for a while afterwards at least.

Q. Do you know whether or not he has ever been disbarred from practice?—A. No, sir; I don't think he has ever been.

Q. Do you know whether or not any proceedings were instituted by the Commissioner to disbar him after that?—A. No, sir; I don't think there was any.

Q. The Commissioner and Mr. Flemming are quite good friends?—A. The Commissioner and Mr. Flemming are mighty good friends, I tell you that. They have stood together the whole time.

Mr. DUNGAN. Do you know how much Mr. Lemon knew about the condition of the Gypsum Mining Company at the time he accepted the block of his stock as security in that financial transaction, if he knew anything about the financial standing of the Gypsum Mining Company?

A. No, sir; I don't think so; but I don't know what Gen. Raum said to him about it.

Judge PAYSON. That is, you don't know?

A. No, sir; I do not know.

Mr. ENLOE. Has your attention ever been called as to Mr. Lemon's testimony before the former investigation committee as to what he thought was the value of the stock he had accepted as security from Raum?

A. I heard Mr. Lemon's testimony. I wouldn't like to do Gen. Raum the slightest injustice in this matter or Mr. Lemon either.

Judge PAYSON. Is that competent, what he heard Mr. Lemon testify on the former investigation?

Mr. ENLOE. Didn't you hear him testify before the former investigation that he attached no particular value to it?

A. That is my recollection.

Q. Didn't he state on that occasion he would loan Gen. Raum the money without the stock?—A. Yes, sir; it is my recollection that he did.

Mr. COOPER. Did Gen. Raum tell you he hypothecated $100,000 of this stock to Mr. Lemon? I want to ask you who is the custodian of the stock books?

A. Gen. Raum.

Q. Who is president of the company?—A. Ged Raum.

Q. Who is secretary of the company?—A. J ne c Raum.

Q. Who is the treasurer?—A. Gen. Raum h inform ge of all the cash if there is any cash to take care of. use; an

Q. Do you hold any office in connection wime and A. Yes, sir.

Q. What is it?—A. Secretary. w." I ha

Q. Did you sign up any certificates for said to hin?—A. I was secretary at that time, sir, and it was neces considered ygnature to be on this stock, on the stock certificates, and opposed to hi my house in his carriage one evening pretty late, for m as a clerk, a r he was going to send John right down to pay some n find about that. That was the message I got in a note from him, had things been wn and went to the office and he and John were i been seen in bad c a lot of papers and so forth to be looked after a you have reisays, Buckey, I

want to send down some money and I want to send this stock down to pay these people off in Virginia and of course I was very glad to hear it what he said, and I asked him the amount of the stock and he didn't have a list, and he was busying himself around there a little and finally he said just sign five or six of them in blank, and I signed five or six or seven, not over seven I don't think and signed them in blank. It was getting pretty late and he was going to just fill them up from this slip and he and John would fix them up. I had every confidence in him in the world and he got one of those certificates and it is one of those he hypothecated for that stock to Mr. Lemon. I don't know how else he could have done it.

Q. You say he wrote you a note asking you to come down there?—A. Yes, sir.

Q. Did you keep the note?—A. No, sir, I didn't. No, indeed, I didn't, sir; but he had two or three men in there at the time.

Mr. DUNGAN. How near at the same time was this partnership formed between you and Col. Flemming to practice in the pension business was the partnership formed between you and Flemming and Mr. Raum in this other business. Which happened first and how close together?

A. Flemming and I went into business first.

Q. Before Raum was in?—A. Yes, sir; Gen. Raum went in immediately after that.

Mr. ENLOE. I want this agreement to go into the record; also indorsement on the back of it.

The copy of the agreement referred to by witness is as follows.

MEMORANDUM OF AGREEMENT.

Memorandum of agreement between Green B. Raum, Thos. W. Buckey, W. W. Flemming, made April 27, 1889.

1st. Green B. Raum agrees that of the $1,995,000 of the capital stock of the American Gypsum Mining Company, which shall hereafter be issued to him, he will set apart 450 thousand dollars to be equally divided between the above-named parties, each to have 150 thousand dollars.

Said stock to be issued to the parties interested as soon as the bonds of said company are sold, or as soon as said parties so desire.

2nd. Said Raum also agrees to hold of said stock $170,000, ready to be paid to J. D. Barnes, Theodore C. Watson, and others under contract signed by the above parties, so as to keep Buckey and Flemming harmless from paying any part of the same.

3rd. It is mutually understood and agreed that said Green B. Raum shall have full power and authority to make sale of $250,000 of the six per centum bonds of the American Gypsum Mining Company hereafter to be issued. The object being to raise $250,000 or a smaller sum if deemed advisable, in cash for such company, to enable it to complete the payment on the property covered by contracts which the said Raum is about to transfer to said company to purchase other property supposed to contain gypsum beds in Rich Valley, Smyth County, Virginia, and secure the erection of houses and mills and machinery, and so forth, on some part of said gypsum property, and to develop and operate gypsum mines and sell the products of same; and it is understood to say at the bonds may be used in the purchase of all or any part of the machinery and so forth, and the materials for houses for said company, by said Raum. I don't know

Fourth. Said Raum our evid authorized and empowered to negotiate with the Norfolk and West Virginia R it. I secure the construction of a railroad to reach the gypsum beds of said i upon failure to secure their aid said Raum agrees to submit some plans to the mining company for the construction of said railroad.

Fifth. The said Buckey and Flemming agree to secure the proper authority from the American Gypsum and Mining Company to carry out the above arrangement.

Sixth. Said Raum agrees to provide funds to repay to said Buckey and Flemming the money already advanced by them on account of the contract transferred by them to him, or that may at any time hereafter be advanced by them on that account.

Seventh. It is agreed that said Raum shall have the selection of five additional directors for the American Gypsum and Mining Company, the object being to select gentlemen of prominence and influence whose connection with the company will advance its interests.

Eighth. The balance of the capital stock of said company issued to said Raum, and not above disposed of, shall be used by him in his discretion to carry out the foregoing objects, and any residue of stock remaining in his hands after said object has been accomplished shall belong in him as his property.

Given under our hands and seals the day and date above written. Signed: Green B. Raum, Thomas W. Buckey, W. W. Flemming.

The following is the indorsement on the back of this contract:

Washington, D. C., March 8, 1890. For value received I hereby assign, sell, and set over to W. W. Dudley the sum of $17,000 (seventeen thousand dollars) of the one hundred and fifty thousand dollars, payable to me in the stock of the American Gypsum & Mining Company, by Green B. Raum, according to the contract, dated Washington, D. C., April 27th, 1889, between Green B. Raum, Thomas W. Buckey, and W. W. Flemming, of which the within is a true copy. Witness my hand and seal this 8th day of March, 1890. Wit., P. J. McHenry. (Signed) Thomas W. Buckey (seal).

TESTIMONY OF V. M. HODGSON.

V. M. HODGSON, being duly sworn, testified as follows:

Examined by Mr. ENLOE:

Q. You may state your name, age, residence, and occupation.—A. V. M. Hodgson; age, 55; no occupation at present; not since I left the Pension Office. I reside in New York; White Plains, New York.

Q. Have you been formerly connected with the Pension Office?—A. Yes, sir.

Q. In what capacity?—A. I was first appointed as a special examiner; afterwards second-class clerk, and then I was removed from my position as second-class clerk and put on special examiners' roll. On March, 1890, that occurred.

Q. How long were you in the Pension Office?—A. From August, 1884, and I was removed on the 30th of June last.

Q. Were you removed from the employ, or simply dropped at the expiration of your time?—A. I consider it both ways; one way it was dropping and another way I was dismissed.

Q. At the time you severed your connection with the Pension Office did you have any talk with the Commissioner of Pensions about your removal?—A. I did, sir; the 1st day of July.

Q. What year?—A. Last year.

Q. What was your object in calling on him, and what was said in the conversation?—A. My object was to ascertain the cause of my removal. I asked him (I met him in his room) if he would inform me of the cause, if he had any objection to informing me of the cause; and after a moment or two he said, "You have been inimical to me and to my administration." I said, "The first I knew of it was now." I had another conversation with him; I can't repeat it all, but I said to him——

Q. You may state what he said he had considered you had done that was inimical to him.—A. He said I was opposed to his administration. I asked him if my record was not good as a clerk, and he said, "Yes, very good;" that he had no fault to find about that. He said, "You have been in bad company." There had things been published in the papers about him, and he said I had been seen in bad company. And I said, "General, I suppose I know what you have reference to," and

he said, "I suppose you do." He said, "My name has been in the paper and my character assailed," and so forth. I said, "I have had nothing to do with that in any way." He said, "You have been seen in the company of Flemming," and I said, "I don't deny that, but I do deny that Flemming got one particle of information from me in any way. He has got his fight on with you, but it makes no difference to me," I said. "I have a wife and five children to take care of, and served four years in the Army, and this is all I have got, and I am too sensible a man to do a thing of that nature; it would simply be to put my hand in the fire and burn it." I admitted that I had talked with Mr. Flemming; he belonged to the same organization I do.

Q. What one?—A. Veterans' Union. He was major and I was quartermaster-sergeant. I asked him two or three times as a personal favor to me to drop this newspaper talk.

Mr. DUNGAN. The attacks on the Bureau?

A. I said, "You will hurt your own friends in the office," and that is the most I ever said to Mr. Flemming, and I state so emphatically to-day.

By Mr. ENLOE:

Q. What did he say to you then about your dismissal?—A. I asked him then, and he said he was very sorry if he had done me an injustice, and I said, "General, you have done me a great injustice; you are charging me with a matter I am entirely innocent of." He says, "I am very sorry if I have done this." I then asked him if I couldn't be reappointed, and he said I could not be by him, and he got up from his seat. I said, "I suppose I can go up and report to my Grand Army friends that I am a suspect; that a man can not be reappointed who served four years in the Army," and I says, "You can reappoint a man who sits behind me who was a Confederate soldier and carries a Union soldier's ball in his leg," which is a fact.

Q. Were you employed in the office at the time this order number 151 was issued?—A. Yes, sir.

Q. Where were you employed?—A. In the miscellaneous section of the middle division.

Q. Did you have anything to do with the execution of that order?—A. I did, sir; the first cases under that order. The first cases came to my division under that order, were dumped behind my desk, came in little carts, a little wagon, as near as I can estimate it, about 4 feet long and 2½ feet wide and about 2 feet deep. There were three of those dumped all in the rear of my desk, and they must have contained in the neighborhood of 1,200 or 1,500 cases.

Mr. DUNGAN. In each?

A. Those were the first, and subsequently others were placed there, a few days after the order went into effect.

The CHAIRMAN. You mean order No. 149?—A. No, I mean order 151, the completed files order.

Q. Did they have slips on them calling up the cases on completed files, placing the cases on the completed files list?—A. Yes, sir.

Q. There are quite a number of them?—A. Yes, sir; any number; I can't say how many cartloads there were.

Q. Did you have any idea of the number of cases in these files that were placed behind your desk altogether?—A. That would be impossible for me to state. In the first batch there must have been between 1,200 and 1,500.

Q. The second time, how many, do you suppose?—A. The cases vary in size; this cart will hold on an average four or five hundred.

Q. You say you had the handling of them?—A. A great many of them. Four of us in our section handled the majority of them, and I handled more than a fourth of the amount in our section.

Q. Did you have any means of knowing whose cases they were?—A. I did, by the completed file slip.

Q. Did it show who was the attorney?—A. It did.

Q. What was your observation on those completed file slips as to whose cases they were?—A. They were mostly those of George E. Lemon.

Q. About what proportion of them would you say were his cases?—A. Among the first batch that we got that I handled I should be safe in saying that nine out of every ten of them were George E. Lemon's cases.

Q. Do you know what State principally they came from? That the claims came from?—A. Pennsylvania, Ohio, and Michigan. That is the cases that came to the middle division. Each division has a certain number of States.

Q. Was there any talk among the other gentlemen who were working there with you as to the file slips showing such a large number of Lemon cases?—A. Yes, sir; there was some talk, but it was more particularly as to the effect of the order.

Q. What was the impression of the clerks in regard to the effect of the order?—A. The impression was—if I may use their expression—the general expression was it was a fraud on the work of the office and on pensioners. I remember very distinctly the first exclamation I heard from the assistant chief of the division.

Q. Who is he?—C. M. Bryant. This is his own language. He said "that was the damndest outrage that ever occurred since I have been in the office." I didn't agree with him, but I didn't use that kind of language myself. It was not for me to judge the Commissioner.

Q. How many cases did you handle during the next week or two, on an average per day?—A. I can't say precisely, but probably 100 or 150 per day; sometimes more than that. I did handle for the first week or so probably 300 cases a day. I want you to understand me, that when I say handled cases I don't mean to handle them all through. They were filed with a slip on, and that has an indorsement on the back showing what the last action was the case required. In some instances it was necessary for us to notify the attorney as to the status of the case. That was the first instruction we got, and I wrote numerous letters to Mr. Lemon, and also other attorneys afterwards, but our work was stopped then for a few days on that business and we went back to our other work, and then we got an order not to notify the attorney; I don't know where it came from, I suppose from the Commissioner, not to notify the attorneys as to the status of the cases; but the first lot we handled we gave the status which they could not get without certifying that the cases were complete. Plenty of them were not complete, though.

Q. Did you notice what proportion of those cases, as long as you handled them, were Lemon's cases?—A. Up to a certain period he had a large majority; take six weeks of that time and Lemon had five-sevenths of them; although he is a personal friend of mine——

Q. Did you notice whether John Raum had any among them?—A. After a while he did.

Q. They were not in the first batch?—A. No, sir; at least I don't remember that there was, but the second week I had one of his cases He hadn't many in our division anyway, I don't think.

Q. How long, do you remember, if you remember anything about it, was it before other attorneys began to file slips?—A. I couldn't state that, sir; when they filed their slips they would come in.

Q. When did the cases begin to come to your division?—A. As near as I can judge now, about a month—three weeks to a month—when outside attorneys, outside of the city, began to file slips.

Q. Do you know a man by the name of Samuel McCullough?—A. Yes, sir.

Q. Do you know where he is?—A. In the Pension Office. He has been restored.

Q. Been discharged before?—A. Yes, sir; the same day I was, and for the same cause; and I know personally he was just as innocent of it as it was possible for a man to be. We were very intimate. I had known him longer than anybody in the Pension Office, and I want to say here for my own benefit that he and I would avoid talking at all about the trouble that was going on in the Bureau. We vowed together we would have nothing to say and give no information in regard to the facts, and we kept it as faithfully as two Masons can keep any oaths.

Q. Did he tell you anything about his observations as to the cases that were first rushed through under that order?—A. Yes, sir; that was the general talk among the clerks in the office that had anything of that kind of work to do.

Q. What division was he in?—A. In the western division.

Q. You and he were pretty good friends and in the habit of talking matters over together?—A. I was more intimate with him than any man in the office because I had known him longer than anybody else. I suppose we knew more about each other's private affairs than any other clerks in the office.

Q. Did he tell you whose cases he thought were the most conspicuous in the beginning?—A. Unless it is necessary I would rather not tell that. It is a private matter.

Mr. ENLOE. It is a public matter.

The CHAIRMAN. Go on and state it if there is no objection.

Judge PAYSON. I object to it; it is hearsay and incompetent. Mr. McCullough is in the office and you can send and get him.

The CHAIRMAN. The objection is a good one.

Mr. DUNGAN. I understood the witness to say, in general terms, for several weeks after that order it was the subject of common remark in the office.

A. Yes, sir; among the clerks in the office of the adjudicating division. I don't mean to be understood that they were criticising Gen. Raum, but simply the fact in regard to that order.

Mr. DUNGAN. Simply the fact about the order generally?

A. Yes, sir.

The CHAIRMAN. You mean to say it was a matter of general talk in the office about the number of Lemon cases?

A. O, yes, sir; that was common, and then there was general talk about order No. 151, and about the cases that were called up which were incomplete, hundreds and thousands of them.

Mr. COOPER. Was that true in regard to Mr. Lemon's cases?

A. With all the cases, but probably Mr. Lemon had a larger majority

of them, and with justice to him I will say that he has more business before the Bureau than some of the other attorneys. I know he has.

Mr. ENLOE. Do you know whether or not there were any attorneys allowed to examine the files there at the time you were there in the office, to go in and call up a case and see what there was in it? I have understood from what I have learned that attorneys were allowed to go in and call up cases.

A. Yes, sir; attorneys were permitted to do so, and, in explanation, it had been the custom in the office always to keep from attorneys and claimants themselves the Adjutant-General's report and Surgeon-General's report, for what it was considered good reasons, and I could state them if necessary.

Q. For what reason?—A. In the Surgeon-General's report and the Adjutant-General's report there are matters which would lead a man to apply for a pension under one disability, and his case was rejected and he would see the Surgeon-General's report, and in that he would find that he was at one time in the hospital for some other disability or discharge for that disability and he could turn right around and file a claim for that disability.

Q. It would enable him to file an application for a disability he would be reasonably supposed to have contracted in the service?—A. Yes, sir; in the office it was considered that those were private papers, but at this time you speak of attorneys were permitted to see them and the testimony that was filed with the cases.

Q. Do you know when that custom was first introduced in the office, to allow attorneys to look at these private papers in relation to medical certificates, and the discharges, etc.?—A. I couldn't give you the date; that is impossible; my memory doesn't serve me well enough to do that.

Q. Did it begin under Gen. Black's administration or before?—A. I never knew it to occur before, I think, until Gen. Raum's administration.

Judge PAYSON. You never knew that until Gen. Raum's administration the private papers, the Adjutant-General's report to the office and the Surgeon-General's report to the office, and hasn't it also been the custom never to allow the attorneys or claimants to see how he had been rated by the medical board, that was changed and they were allowed to see these papers?—A. Yes, sir.

Q. Now, do you know whether before you left the office that was returned to the old custom?—A. Yes, sir; subsequently we had an order issued that when a case was called these papers should be taken out and put in a brown envelope and put in those envelopes and kept on our desk and then if we went upstairs to the Deputy Commissioner, or anybody else up there, we would keep the report in our desk until the case came back to us. I took a case up myself; and that is the reason I know about attorneys taking advantage of this information. I took a case up myself for an attorney to look at, put it on the desk, and I can't give the name or number, but I know who the attorney was, but some little while after that the gentleman sitting next to me had on his desk a claim for increase under new disability out of that very case and we talked about it at the time, and to my mind I couldn't see how that attorney could get that, except out of the Surgeon-General's report.

Judge PAYSON. Don't you think, then, that it was a good thing to make the order now in force not to allow attorneys to examine those cases?—A. That had been the order.

Q. I am asking now for your judgment. Don't you think it was a good order to enforce not to permit attorneys to look at those papers?—A. Yes, sir.

Q. Do you remember what the date was that order No. 151 was promulgated?—A. I can't tell you.

Q. Suppose it was on the 7th day of January.—A. I can't tell you that.

Q. Assuming it to be that date, how soon after that did you begin to get cases, a large proportion of which were Mr. Lemon's?—A. That is impossible for me to tell.

Q. About how long a time?—A. I could not tell you how long it was, because we heard of the order and we hadn't received the order at our desk, nor had the chief of our division, nor had we received this order No. 151; but as soon as we knew the order was issued, I think the second day after that, or a short time, the cases were put behind my desk.

Q. Then if it was the 7th of January it would be about the 9th or 10th?—A. I should judge so.

Q. Do you know what the facts are, whether or not the cases that were sent around to the examiners were cases that had been put on the completed files on the search of the file clerks, which had been made by them rather than on the slips filed by attorneys?—A. I don't know what the file clerks did at all.

Q. Are you familiar with the operation of order No. 149?—A. What was order 149?

Q. As you understood it?—A. I can't tell you now.

Q. Operation of 149 and 151 you don't know of your own knowledge?—A. I don't understand what relation you mean.

Q. How they are made up; how the cases came on the completed files, and in regard to what was done with them generally?—A. I know this much: these slips came in——

Q. What slips?—A. Completed file slips. It may not be so now, but it was when I left the office; when I left the office they came to the law division and the law clerks there stamped them as being completed, and then they are sent with the stamps on up to the files where the cases are numbered, and then they are brought down in accordance with the number on these slips, and then they are distributed around in the different divisions for the clerks for action.

Q. Is it your understanding that the first batch of completed cases, that came on completed files, came on the slips of the attorneys?—A. The first cases I got were Lemon's.

Q. How did they come to you?—A. By a messenger.

Q. Because of the request of Lemon that they go on the completed file? They were there on slips, weren't they?—A. You misunderstand me or I do you. The cases that were dumped behind me were all drawn out of the files on completed files slips, that was when they were making up the complete files.

Q. Before it went in operation?—A. It was just going in operation.

Q. Do you want the committee to understand that those cases came to you by virtue of orders 149 and 151?—A. Yes, sir.

Q. Because they were from the completed files?—A. No, sir; that is the fact, they came there because action had to be taken upon them and they had to be opened and examined to see if they were complete, to see if they should go on the completed files.

Q. That was under order 149?—A. Orders 149 and 151.

Q. I don't think you know as much about that as I do.—A. There was nothing to complete the order there until some action was taken on the cases.

Q. Do you remember the substance of order 149?—A. No, sir; not without reading it. My work was taken away from that some time after that.

Q. Do you know what order 149 contemplates, whether the object of that order on its face, as you understood it, and as you are testifying about now?—A. As I understood, that action was in connection with order 151 making the completed files.

Q. Now tell what you understand about it, and you were testifying about the order 149 and what it contemplated. Can't you tell us about that?—A. I could not, sir, because I don't remember that.

Q. Were these cases brought to you by the wagon-load, as you speak of it? Were they brought to you for the purpose of adjudication or simply to ascertain whether or not they were complete or in order to be put upon the completed files?—A. My understanding was this: Those cases were drawn up on these slips under order 151 and put down behind our desks, right behind my desk, to be examined to see if complete. and notify the attorneys of the status of the case.

Q. That was under order 151?—A. Yes, sir; because there was the slip on it.

Q. They were not sent to you for adjudication?—A. Yes, sir; in one sense of the word.

Q. After you examined them, if you found they were complete, then you sent them to the completed files?—A. Yes, sir; and if they were not complete we sent them back.

Q. And you would find out what was necessary to complete the cases?—A. Yes, sir; and notify the attorneys what testimony was necessary to complete them.

Q. Then you would notify the attorneys?—A. Yes, sir; but that was afterwards changed.

Q. Did you have anything to do with adjudication of cases at that time in your division?—A. Yes, sir; to a certain extent. My work at that time was principally examining cases called up by attorneys, Congressmen, and claimants, and to give the attorneys and claimants the status of the cases.

Q. That didn't send the case to the board of review, did it?—A. Sometimes it did, if the case was found to be complete. Sometimes we would find a case to be incomplete, and we would have to then send it to the board of review because they hadn't put it in condition to be complete.

Q. Who hadn't?—A. The board of review, and sometimes the medical board. The medical board, in doing their work, would leave off the signature, and our work was to send it back to the board—either to the board of review or to the medical division.

Q. Then your work was, with reference to these cases, as to which you say the larger proportion of them were Mr. Lemon's cases, was with the view of first ascertaining whether the cases were complete, and if complete to send them to the completed files, and if not, advise them as to the status?—A. I suppose that was done, sir; I didn't send them into the files or put them into the files.

The CHAIRMAN. What would you do with a case after you looked it over?—A. At first we notified the attorneys that they were not com-

plete, and gave them the status of the case, telling them what testimony was necessary; but afterwards we got an order if they were not complete to take off the completed-files slip and send them back to the ordinary file.

Mr. LIND. Were any of Lemon's cases sent back that way?—A. Yes, sir.

Q. They were all treated alike?—A. Yes, sir; so far as my work was concerned, at least.

Mr. ENLOE. I will ask if these cases were examined by a clerk and brought there with the attorney's slips on them, and were the attorney's slips in the case or strapped on the outside of the case?—A. You mean the completed files?

Q. I mean when the cases were dumped there.—A. On the outside in every case.

Q. Had the attorneys' slips strapped on them?—A. Yes, sir; the file clerks put the slips on them.

The CHAIRMAN. What are those slips—stating the case was complete?—A. Yes, sir; a slip of the attorney, saying the case was complete.

Mr. DUNGAN. Was there any difference in the appearance of those slips of different attorneys, or were they all alike?

A. Those of Mr. Lemon's were printed on red paper; some others, I know, were printed on different kinds of paper; some attorneys used white paper, and some yellow. We knew Lemon's as soon as we saw them, because all of them were one color.

Mr. ENLOE. Any clerk could go to the file and look at the slips strapped on the outside of the case, and by the color tell it was Lemon's case?

A. The clerks were not all permitted to go to the files.

Q. Could the file clerk by looking at the slip strapped on the outside of the case distinguish Mr. Lemon's from other cases?—A. They do that; they strap it to the case and send it down.

The CHAIRMAN. The file clerks strap on the attorney's certificate?

A. Yes, sir. When drawn from the file they put it on underneath a band, and when they came to the adjudicating division we could tell whether they were Lemon's or some one else's without looking at his signature.

Mr. ENLOE. Did you ever have anything to do with examining cases to ascertain whether they were completed and ready to go on the completed file, other than those that were called up on attorneys' slips? Do you remember of examining any case for some other parties that were not called up on attorneys' slips?

A. You mean on this completed-files order?

Q. Under order 149; you haven't seen that order?—A. I would like to read that order, to post myself on it.

JUDGE PAYSON. It is completed-files order No. 149. It established the completed-files order?

A. Yes, sir.

Judge Payson hands witness printed copy of record. [Witness reads.]

Mr. ENLOE. I ask you now at this time if any other cases were brought to your attention for examination, and to see if they were complete and ready to go to the completed files, except those brought on the call slips of attorneys? Did any case under order No. 149, before order 151 was promulgated, come to you in that way to see if they were complete?

A. Not that I recollect of. It was after the issuance of order 151.

Q. That was the first you knew of it?—A. Yes, sir; that was the first I knew of it.

Q. Do you know anything about the collection of cases between the 23d of December, when order 149 was issued, and the 6th day of January, when order 151 was issued, the examination of cases to see if they were complete?—A. Not that I know of.

Q. Didn't any of them ever come to you except with the attorney's slips stamped on them?—A. Occasionally we got a single case.

The CHAIRMAN. You remember a large quantity of cases called up, about 30,000 or upwards, for the purpose of carrying them on the completed files?

A. I could not say anything about that; I know it only from rumor. I did not have anything to do with that.

Q. What time was that?—A. I was at home on leave in New York on the 1st day of January, and when I returned, just after I got back, I heard of it. I was in the office on the 2d day of January.

Mr. ENLOE. Was it directly after that that you were examining these cases?

A. Yes, sir.

Q. Do you remember what date it was, about what date, that you commenced that work?—A. I couldn't, sir; I could not tell the date.

Judge PAYSON. How soon after you returned?

A. A short time afterwards, probably, as near as I can recollect, it was within a week or so.

Mr. ENLOE. Within a week?

A. Yes, sir.

Q. I will ask you if, in the execution of the order 149, you don't find this language: "Where a claim, upon inspection of the jacket and testimony strapped to the case, seems to be complete, a proper record shall be made of the claim upon a card prepared for that purpose, and the case shall be kept upon a list known as the completed files, and these cases shall be considered in the order of the filing of the last piece of evidence?"—A. That is order 149.

Q. Yes, sir. Is this slip in regard to the testimony strapped to the case, was that done under order 149, and was that what you referred to or to the attorneys' slips?—A. I referred to the attorneys' slips.

Q. The attorneys' slips, those that are made out and strapped to the cases and brought in in that way?—A. Yes, sir; they came in by the thousands, after June 27, 1890; a short time after that I was detailed in the mail division, and then I found a lot of these coming in there. I have seen stacks of them there that high [indicating].

The CHAIRMAN. I am not quite clear and I want to make it clear upon the record. When did you get back from your leave of absence?

A. I was in New York on the 1st day of January, and I returned so as to be in the office the next day.

Q. Are you perfectly clear these cases were dumped behind your desk a short time after that?—A. Yes, sir.

Q. Would you say the number of days as near as you can?—A. That is pretty hard to tell.

Q. Was it within a week?—A. Within ten days.

Mr. DUNGAN. Did you know of the promulgation of order 151 at that time?

A. I heard of it the day before.

Mr. ENLOE. If that was on January 6, this was on the 7th they were dumped there?

A. I can't tell that, I heard of the order then.

Q. Do you know whether the order was issued that day?—A. I can't swear to that.

Q. You don't know how long it had been issued before you heard of it?—A. I can't swear how long the order was issued.

Q. Suppose it was issued on the 6th day of January, at the time you heard of its being issued, how long did you understand it had been issued?—A. Two or three days.

Q. So this must have been on the 9th or 10th of January?—A. That is my impression now, that is what I believe.

Q. Do you say there were 1,500 or 2,000 of these cases brought in there right away?—A. The first batch, three of those little carts, about 1,500 cases.

The CHAIRMAN. At what rate did they continue to come from that on; say the month of January and the forepart of February?

A. In our division?

Q. Yes, sir.—A. It is pretty hard to state.

Q. Can you approximate it?—A. No, sir; there was a slack-up for a time, and the cases went from my section and went to the chief clerk.

Q. How many of you were at work at that?—A. There were four of us at work there.

Mr. LIND. Do you know or have you any idea as to the number of cases that were returned as incomplete?

A. You mean generally through the office?

Q. In your division?—A. I could not state only so far as our division is concerned.

Q. Under your personal inspection what proportion were returned as incomplete? What is your best judgment on that point?—A. At one time three-fourths of them were returned.

Q. For how long a time?—A. For two weeks; I am safe in saying for two weeks, and it continued afterwards.

Q. In the same proportion?—A. O yes, sir.

Judge PAYSON. As long as you were in the office?

A. I can't say that, because I was transferred to other work.

Q. As long as you were doing that work?—A. Yes, sir.

Q. About three-fourths were incomplete?—A. That is what I think; yes, sir.

Q. That was the same as to other attorneys as well as to Lemon's?—A. I had to do with Lemon's cases.

Q. You were not particularly assigned to those cases?—A. No, sir.

Q. Were other people's cases, in the same proportion, incomplete?—A. Yes, sir; I should say there were, and I handled some of other people's cases.

Mr. ENLOE. I will ask you if at the time you were discharged, or soon after the time you were discharged, anyone came to you and proposed to have you reinstated if you either pay money or loan money?—Was any such proposition made by anyone in the Pension Office to you?

A. Yes, sir; a proposition of that kind was made to me.

Q. Who made it?—A. Maj. Barker.

Q. What position was he occupying?—A. Chief then of the record division.

Q. How did he say then he would have you reinstated if you would furnish him some money?—A. Will you allow me to explain?

Q. Yes, sir.—A. I met Mr. Barker on Seventh street one night just after I had my dinner and I was telling how I had been taken from the regular roll and put on the S. E. roll and that I was very sorry for it, and I told him I would like to get back.

Q. That was while you were still in the office?—A. Yes, sir. He said, "Can't you do something about it?" and I told him I did what I could; I had furnished indorsements of Chauncey M. Depew, Senator Evarts, and several others, and he said that is pretty strong, and then some conversation occurred between us and finally he said, "Maybe I can help you a little;" and I said, "I would like to have you if you can." He said that could be fixed, and I said how, and he said, "You know I am a little intimate with young Raum and I guess we can fix it;" and we talked in that way a little while and finally he said, "Can't you raise a little money?"

Q. Was young Raum in the office?—A. Yes, sir. He said, "Can't you raise a little money?" and I said, "I haven't got any money; I require all my money for my family;" and I said I don't like to throw away good money for bad. And then he said it could be fixed if I could raise a little money, and then in a conversation about his people and where he came from, and I found his people lived near mine, and I went down town and I met two gentlemen, one of them had been a clerk in the New York Senate with him, and he gave me his whole history. Mr. Barker said he would see me again, and I learned his whole history, and the next morning he came in and didn't speak to me at all. I was afterwards transferred to his division and he never spoke to me again or I to him. I never cared to speak to him and he never got any money from me either. I don't do business in that way.

Q. No one else made any such suggestions to you?—A. No, sir; young Mr. Raum promised, however, he said that I had been wrongly transferred and he would see it was righted.

The CHAIRMAN. Was that before or after that conversation with Barker?

A. Before.

Judge PAYSON. You never had any suggestions from young Mr. Raum that he would see that this was done for pay?

A. No, sir; I never paid him but 25 cents when he swore me in.

Q. Did he ever make any suggestion or insinuation he would help you out for pay?—A. No, sir; never had any conversation about that at all.

TESTIMONY OF JAMES R. FRITTS.

JAMES R. FRITTS, sworn and examined.

By Mr. ENLOE:

Q. State your name, residence, and occupation.—A. My legal residence is Indianapolis, Ind. I live here in the city at No. 308 E street northeast.

Q. You are in the employ of the Government?—A. Yes, sir.

Q. In what capacity?—A. I am a special examiner in the Pension Office, located here in Washington, at work at the desk adjudicating cases.

Q. Have you been on special examiner's duty in the field?—A. Yes, sir.

Q. What time were you assigned to duty in the field?—A. I was first appointed in 1885 and remained a special examiner until the 15th day of November, 1886, when I was made supervising examiner of the office. I think that is the date as well as I remember, and I remained in the office as supervising examiner until about the 1st of May, 1889. I went to the field then as a special examiner—went to Chicago, Ill.

Q. What time was it you went to Chicago?—A. I went there about the 1st of May, 1889. I was over in New York, I remember, on the 30th of July. It may have been the 8th or 10th of May. I am not exactly certain about the date. I was then a clerk of class 3 and went to Chicago as a clerk of class 3 to do duty in the field as a special examiner.

Q. Who was chief of the special examination division at that time?—A. Mr. Theodore Smith was acting chief. He had been appointed supervising examiner and, I think, was acting chief of the division.

Q. Do you know who his assistant was?—A. Mr. George W. Wayson; I think he was assistant at that time. Probably Capt. F. M. Mitchell—I know him very well, but I am not sure about his initials.

Q. To whom did you make your application for assignment for duty at Chicago?—A. Well, I am not sure that I can state that correctly. It had been talked of for some time that I, being a Democrat, would not stay in the office in the position I was holding. In fact, I did not want to; but it was talked of around there. There were one or two of us, I think, then left in the office of the old supervising examiners. Mr. Q. E. Browning and James B. Ricks were supervising examiners. Mr. D. I. Murphy and, I think, myself were the only old supervising examiners left. It was the general understanding that we were to go to the field and pick our location. I do not know just how I got that.

Q. Do you know who issued the order for your assignment?—A. Well, when I came back from New York—the next day after I returned—I got notice from Mr. Theodore Smith, who came to me and said that the Commissioner, Mr. Tanner, wanted my resignation. I stated to him that I hardly expected that, but he could have it. That was probably 2 or 3 o'clock in the afternoon, and I immediately went up to see Mr. Tanner, but he was engaged. I did not see him until the next morning. When I went next morning to see him, he told me frankly he did not want my resignation, and stated that he did not know when he asked for it that I had been in the service. So I went on to say to him——

Q. That you had been in the Army?—A. Yes, been in the Army. And I went on to tell him that I had been one of the first to muster out a regiment in my State; that I went into the service, and I had remained there until I was shot in battle; and he went on to say that he could forgive me for being a Democrat if I thought I was right about it. I said my democracy was like my religion, it was personal to myself, or words to that effect; and we had quite a little talk. I said to him that I did not want to retain my position in the office as it would probably embarrass him if I did. He said I could pick any place I wanted. I told him I wanted to go to Chicago. I went, I think, that day. I think I started that afternoon.

Q. Did you see the statement that was published in the New York Herald charging that you had become banker for Wayson on account of your assignment at Chicago?—A. Yes, sir; I saw that. I answered that to the Commissioner. That was investigated. I suppose it was. Anyhow, I was called upon to make a statement, and I made a full statement.

Q. Is this a letter you wrote with reference to the matter?—A. Yes, sir; that is my letter, and it is true.

Q. I see here you make a broad statement that you never at any time had a note, or duebill, or any evidence of indebtedness of Mr. Wayson?—A. I never had in my life.

Q. Did you hold his note or duebill, or anything of that kind?—A.

I might qualify that, Mr. Enloe. Since that time I made two drafts on him, and he honored them and paid them. I never had any evidence of indebtedness against him.

Q. How much was that for?—A. Ten dollars.

Q. Money that you had loaned him?—A. Yes, sir.

Q. And that was since this time?—A. No, sir; I had loaned him money before that letter was written; but that I can explain.

Q. I see you make a statement in your letter to him that you never loaned or paid him money or gave him money for any such purpose?—A. No, sir.

Q. You do not claim that at the time of this letter that he owed you nothing?—A. No, sir; I did not say so.

Q. I will ask you another thing with reference to it. Had you indorsed any paper for him?—A. I never did in my life. I will explain the money transaction between Mr. Wayson and myself. He had been out to Iowa, or Nebraska, or Dakota. He had been out west somewhere. I think this was the second trip. As he returned—I know he passed through Chicago twice—upon one of his trips as he returned he came into our office. There were Gen. Stibbs, Paul E. Williams, and myself, examiners, there; and he said that he would not be able to get home for probably ten days or two weeks. He had gotten out of funds and asked me to let him have $40. Well, I gave him $40. Afterwards he gave me a $20 check on a bank here, and I cashed it somewhere in Chicago. Anyway, I got the money. I never heard of it afterwards. The other $20 he has paid me since I came to Washington.

Q. That was after you had been assigned to Chicago?—A. I stated it was a year or better after I had been assigned to Chicago.

Q. Were you the only Democrat in the field at that time?—A. I was the only one in Chicago.

Q. Do you know whether you were the only one in the field or not?—A. There were others in the field at that time. There are not very many in the field now, I understand. I think I know of my own personal knowledge of two being in the field.

WALTER J. BROOKS—Recalled.

By Mr. ENLOE:

Q. Did you write this letter, Mr. Brooks, dated January 17, 1891?—A. Yes, sir; I think I did. I think that is mine.

Q. I see you state here "the article referred to charges that I paid George W. Wayson, jr., the sum of $450 for my assignment to duty as special examiner in the District of Columbia; that said amount I paid to Wayson by way of a loan, for which I hold his note, and implies the understanding that no demand was to be made for the money; neither was it paid." Do you say now that Mr. Wayson does not owe you anything and that you are not indorser on his paper?—A. No, sir; I do not say that. I did not say so the other day.

Q. Well, you refused to answer the other day the question as to whether or not you are indorser on his paper?—A. Yes, sir.

Q. I will ask you the question now as to whether you are the indorser of Mr. Wayson—indorser on his paper?—A. I decline to answer that, as I did the other day, for the reasons given.

Mr. ENLOE. I will ask the committee to make the same order in the case of Mr. Brooks as was made in the case of Mr. Wayson.

The CHAIRMAN. It was made.

By Mr. DUNGAN:

Q. Let me ask Mr. Brooks a couple of questions. When you wrote the letter you did, had you any knowledge of the fact that there had been a newspaper charge that you had been favored in some way in return for pecuniary accommodations of some kind to Mr. Wayson?—A. Yes, sir.

Q. Have you read that letter stating to the Commissioner that there had been no pecuniary accommodations passed between you?—A. I did not; no, sir. The charge was that I had—as I remember it—that I had either let Mr. Wayson have $450 or had paid him $450 for assignment to duty in the District, but as a matter of fact Mr. Wayson had nothing whatever to do with my assignment, nor did he ever grant me any favor I asked.

Q. Then in this letter you did not intend to induce the belief in the mind of the Commissioner that there was no pecuniary obligation existing between you. You did not intend him to believe that? You say that Wayson was under no pecuniary obligation to you?—A. He was under no pecuniary obligation to me; no, sir. He was not at that time.

Q. At the time you wrote the letter?—A. At the time I wrote the letter he was not.

Q. So the question you declined to answer you now say has no reference to the state of facts existing at the time you wrote this letter?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you mean by that answer to say that you have not been and are not now the indorser of George W. Wayson?—That is a general question. I decline to answer the question as to our personal affairs.

Q. I will ask you, then, if at the time you wrote that letter you were not an indorser on Wayson's paper!—A. I decline to answer that.

Q. You decline to answer that?—A. Yes, sir.

Mr. ENLOE. I will ask the committee to make an order to bring you to the bar of the House.

The WITNESS. I do not want to show any discourtesy to Mr. Enloe or to any member of the committee; but, as I said the other day, I do not wish my private affairs to be made public.

By the CHAIRMAN:

Q. You say that these papers are the result of an examination into the question as to whether or not your appointment was improperly influenced by the loaning of money by you to Wayson, or by indorsement?—A. That was what I understood.

Q. These papers have reference to that inquiry by the Commissioner of Pensions, have they?—A. I believe it is the Commissioner of Pensions.

Q. You have answered the inquiry by a letter which you signed?—A. Asking whether there was anything improper?

Q. That influenced Wayson in appointing you?—A. Yes, sir; I have also stated that Mr. Wayson had nothing to do with my appointment.

Q. This letter was a statement that you made over your own signature?—A. Yes, sir.

Q. Now, they cross-examined you about that?—A. No, sir.

Q. What you call an *ex parte* statement?—A. Yes, sir.

Q. Do you not think that this committee ought to have the privilege of cross-examining you about statements you made in the investigation before the Commissioner?—A. I think they have a right to do that. I do not doubt that at all.

Q. The inquiry then, was, I suppose, as to whether Wayson had been improperly influenced by your loaning or indorsing his paper?—A. That is what I have understood.

Q. You understand so now, do you not?—A. Yes, sir.

Q. Do you not think the committee ought to have a chance to inquire about that in a reasonable way?—A. I suppose, probably, they ought. I have no serious objection, I suppose, to answering them. They went back to my birth and my father's birth the other day. I did not see that that had any bearing at all.

Q. We have been appointed here to look into certain matters, and we want to be fair.—A. Yes, sir.

Q. Have you any objection now to answering reasonable questions?—A. No, sir; not any reasonable questions.

By Mr. ENLOE:

Q. State whether or not at the time you wrote that letter you were an indorser on the paper of George W. Eayson?—A. That was January 17th, I think.

Q. Do you know for how much you were his indorser?

By Mr. DUNGAN:

Q. I understood you to say to me at that time that there was not any indorsement.—A. I did not intend to convey that impression at all—there was not any indorsement.

Q. I asked you whether there was any pecuniary accommodation outstanding at the date of that letter, and you said there was not.—A. I did not intend to misrepresent the matter to you or to convey a wrong impression.

By Mr. ENLOE:

Q. How much were you indorser for?—A. I am not sure about that.

The CHAIRMAN. Approximately.

The WITNESS. I can only approximate as to the amount; probably about $450.

By Mr. ENLOE:

Q. Do you know who held that paper?—A. Yes, sir.

Q. Who held it?—A. Why, Mr. Latourette held some of it.

By Mr. DUNGAN:

Q. There was more than one piece, then?—A. Yes, sir; more than one piece. Latourette held $150.

Q. That Latourette held?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you know who held the balance of it?—A. I think it is called the Baltimore Savings Institution or bank; I will not be sure as to the title.

Q. Did you ever have to pay any of it?—A. Well, yes.

Q. How much of it?—A. I have paid about $150 so far.

Q. Has that ever been repaid to you by Mr. Wayson?—A. Not yet.

Q. Any part of that paper outstanding now?—A. Yes, sir.

Q. How much of it?—A. That is hard to tell—I can not really tell you how much there is of it. I do not know what the interest is.

The CHAIRMAN. Approximately.

The WITNESS. I suppose there is about $250 or $275—something like that. I can not tell without knowing the amount of interest.

By Mr. ENLOE:

Q. Has there been any suit brought against you for it?—A. Yes, sir.

Q. Judgment rendered?—A. No, sir.

Q. Suit pending now?—A. Yes, sir.

Q. Anybody else indorser on that paper with you?—A. On which paper?

Q. On any of Mr. Wayson's paper?—A. There is some one as indorser on one of them.

By the CHAIRMAN:

Q. Is he a Pension Office employé?—A. Yes, sir.

Q. Now in the Pension Office?—A. Yes, sir.

Q. Now in Wayson's division?—A. No, sir.

Mr. ENLOE. Who is he?

The CHAIRMAN. He was in Wayson's division at the time he indorsed the paper.

The WITNESS. He was in the special examination division, I believe, at that time. I know he was; I am pretty sure he was——

By Mr. ENLOE:

Q. What is his name?—A. Ellis.

Q. Harvey Ellis?

By Mr. PAYSON:

Q. If the statements in that are true nothing in this letter has directly or indirectly influenced your assignment to an official position?—A. No, sir; not at all. Mr. Wayson never had anything to do with my appointment, and I never asked a favor, nor did he ever grant any favor.

Q. Was influence given in expectation of a loan?—A. No, sir.

TESTIMONY OF J. E. S. CONEY.

J. E. S. CONEY, sworn and examined.

By Mr. ENLOE:

Q. State your name, residence, age, and occupation.—A. I am 57 years old; my occupation is a special examiner; that is, I am borne on the rolls as special examiner, and at present am employed at a desk in the board of review in the Pension Office; my residence is 933 North Mount street, Baltimore, Md. That is where I live.

Q. How long have you been living in Baltimore?—A. A number of years.

Q. Do you vote in Baltimore?—A. No, sir.

Q. You do not vote there?—A. I do not vote there.

Q. You have never voted in Baltimore?—A. Yes, sir; I have.

Q. When did you vote there?—A. It was several years ago; I voted there for Harrison. That is the last time I voted there.

Q. You have not moved from there since, have you?—A. No, sir.

Q. In order to vote there you would have to be a citizen of the State?—A. I judge so.

By Mr. LITTLE:

Q. Where do you vote now?—A. I am a resident voter in Augusta, Me.

By Mr. ENLOE:

Q. When did you change your place of voting?—A. I think it was three years ago.

Q. What was your reason for making the change?—A. For the reason that my appointment originally in the office was from Maine. That is where I was appointed from as a special examiner in the field, and a special examiner in the field can not be assigned to duty in the State from which he is appointed. My original appointment was at $1,400 as a clerk in the Pension Office. I was sick at the time I went into the field, but as every man——

Q. As a matter of fact you live in Baltimore?—A. I live there, yes, sir; but I do not know a member of Congress or a Senator from the State of Maryland, and any personal influence I may have comes from the State of Maine.

By Mr. LITTLE:

Q. I do not understand how long you have been living in Baltimore.—A. For a number of years.

Q. A number of years is a very indefinite period.—A. Eight and four are twelve. I have been in the Pension Office eight years, and I was four years in the custom-house in Baltimore.

Q. Baltimore?—A. Yes, sir.

Q. Then you had a legal residence there by living there?—A. Yes, but I was an employé of the Government.

By Mr. ENLOE:

Q. You were appointed at that time, were you not, from Maryland?—A. Sir?

Q. When you were appointed to a position in the custom-house there, you were appointed from Maryland?—A. I hardly had any residence at that time. I was out of employment and in pursuit of employment.

Q. Did you ever loan Mr. Wayson any money while he was assistant chief of the special examination division?—A. I have.

Q. How much?—A. Well, quite a considerable amount, but whenever I loaned him any money I always had it indorsed to my satisfaction, so that I was sure of the payment of it, and not in regard to any favors that he might confer upon me. I never did it with a view to any favor that he might ever do me. I did it for the interest there was in it.

Mr. PAYSON. You mean interest on the loan?

A. Yes, sir.

By Mr. ENLOE:

Q. What was the largest amount that you loaned him at any one time?—A. I loaned him $300 at one time.

Q. Was that the greatest amount of indebtedness that you had against him at any one time?—A. Yes, sir; I think it is—no, he owed me $450 at one time, but it was amply indorsed.

Q. Was it indorsed by some one in the Pension Office?—A. Some of it was, and some of it was not.

Q. Do you remember who the indorser was in the Pension Office?—A. One of them was—I may not be exactly correct as to the full name—Albert Roome, I think, was his full name. Another one was in the post-office, entirely outside, and disconnected from the office, and had nothing whatever to do with it; and the other one was—indeed I can not tell you who the other indorser was. It was simply one indorsement of a business man in Baltimore.

Q. He always paid you?—A. Well, I have been paid. He has paid me considerable sums on his indebtedness to me.

Q. Have you been paid in full?—A. No, sir.

Q. He is still in your debt, is he?—A. He is; I have never made it a practice of loaning money unless I thought I had some hold on more than one person. I do not consider it good business.

Q. Did you ever become indorser for Mr. Wayson?—A. I never indorsed but one note in my life.

Mr. PAYSON. Did you ever indorse for him?

A. No, sir, emphatically no, I would not; if I lend a man money I do not indorse for him. I take the chance for the money.

By Mr. DUNGAN:

Q. At the time that letter was written (have you shown him that letter), did that indebtedness exist?—A. A part of this indebtedness existed at that time, but I never intended to convey the idea in this letter that he did not owe me any money. I intended to say that I never loaned him a cent with a view to influencing any official action in the office. If I could not stand on my own bottom, I do not think I could be helped by other people.

TESTIMONY OF J. H. A. EAGER.

J. H. A. EAGER, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. I will be 50 years old next August; my present residence is 1306 I street NW., and I am employed in the Pension Bureau.

Q. What division are you in?—A. I am in the western division.

Q. Have you ever been a special examiner in the field?—A. Yes, sir; I have.

Q. Were you in the field during the time that Mr. Wayson was acting as assistant chief of the special examination division?—A. I was a short portion of the time in 1889, after my reinstatement to the Pension Bureau. He was assistant chief there then.

Q. Did you ever see an article in the New York Herald in reference to Mr. Wayson's conduct in connection with borrowing money or making assignments to the field?—A. Well, I think I did. If I did not I heard pretty thoroughly of it, so that I know what it is generally.

Q. Where were you located at that time?—A. In 1889 I went from here to Butte, Mont.

Q. Where were you in 1891?—A. I was in the Pension Bureau.

Q. Did you ever loan Mr. Wayson any money?—A. Yes, sir.

Q. How much?—A. In the fall of 1886 I loaned him, I think, $30 or $35, and then, perhaps, in January or February, 1887, I loaned him again about $30, making a total of about $65.

By the CHAIRMAN:

Q. That was in 1886 or 1887?—A. Yes, sir; I was in the special examination division then, however; Mr. Wayson and I were good friends. I had an admiration for the man, and a warm friendship for him; and upon the plea of extreme sickness of his wife and a big doctor's bill I loaned him one of those sums. The other was loaned to him because his brother had gotten into a tight place in Baltimore. I do not know *what that* was. I have learned not to place much reliance upon Mr. *Wayson's word.*

Q. Which Wayson?—A. George W. Wayson.

By Mr. ENLOE:

Q. Did he pay you?—A. He paid me finally in driblets, by pressure.

Q. Did you loan him any money while you were in the field as a special examiner?—A. No, sir; I was not in the field when I loaned him the money.

Q. Did you indorse for him at any time?—A. No, sir; I never indorsed for him.

Q. That was the only financial transaction you had with him?—A. Yes, sir.

Q. Then you learned not to place much reliance on his word?—A. I should say so. About his being a liar, I had some evidence of it myself.

Q. I want to know whether your effort to make him settle these debts had anything to do with your being called in from the field?—A. I had incurred his enmity ever since I demanded payment of my money.

Q. You were called in from the field, were you not, while Mr. Wayson was there?—A. Yes, sir.

Q. While Wayson was acting as assistant chief, and given a less profitable position, were you not?—A. Yes, sir; at a loss of a thousand dollars a year.

By Mr. PAYSON:

Q. Have you any reason to believe that Wayson took a dislike to you because of your attempt to collect your debt against him, which caused you to be brought in?—A. I have reason to believe that that was the whole cause. I know I incurred his enmity by demanding payment, and he was in a position to stab me, which he did. He gave me a bad name to the Commissioner of Pensions upon my return, and said I was a pension rejecter.

Q. You were not the only man, by any means, that he preferred charges against?—A. No, sir.

Q. Do you know how many special examiners, or have you ever learned how many special examiners, he preferred charges against?—A. I never heard.

Q. Where can the record of those charges be found?—A. In the Pension Office.

Q. After he has preferred charges against pension examiners?—A. They should be found in the private files of each individual.

By Mr. DUNGAN:

Q. So he would have to know the individual before you could try the charge?—A. Yes, sir.

By Mr. ENLOE:

Q. You think if you had not demanded the payment of this money and insisted upon it that Mr. Wayson would have continued friendly to you, do you?—A. I do, sir.

TESTIMONY OF FRANK H. REPPERT.

FRANK H. REPPERT, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. My name is Frank H. Reppert; age, 30 years; occupation, special examiner at the Pension Office; residence, Mt. Vernon, Ky.

Q. Were you in the field as a special examiner while George W. Wayson was acting as assistant chief of the division?—A. Well, sir, I do not know. I was in the field part of the time. I do not know how long or when he became assistant chief of the division. I was sent to the field under Gen. Black in 1887.

Q. How long did you remain in the field?—A. I remained in the field until the fall of 1890.

Q. Mr. Wayson was during a portion of this time—not all of it—acting as assistant chief of the examination division?—A. I believe so, but I had no relations with him; yes, sir.

Q. Did you ever loan him any money?—A. I loaned him $20 on one occasion.

Q. When was that?—A. I believe that was in the fall of 1888. I will state the circumstances. It was not in an official capacity. It was purely private. Mr. Wayson came through there and called at the office.

Q. Came through where?—A. Came through Cincinnati. He had been on a trip, on business, and incidentally mentioned the fact that he was awaiting a draft there and was a little short of funds; and it was possible I ventured the information that I might assist him a little. At any rate I loaned him $20.

Q. Did he ever pay it to you?—A. It has not been paid as yet. I presume it is all right.

Q. You think he will pay it?—A. Well, in justice to him and to myself I will state that after a reasonable length of time I wrote Mr. Wayson in regard to it. Probably he was a little dilatory. That was possibly in June, 1889, and he replied that he was a little embarrassed at that time, and possibly asked a little indulgence, which I granted. When I came into the office he mentioned the matter, saying that he would fix it up pretty shortly, and I told him to exercise his own convenience, or something to that effect. Since that time I drew a sight draft as a gentle reminder, possibly some several months ago. Mr. Wayson, I believe, was out of town at the time; he was then at Philadelphia; but I have no doubt it is all right. I will state that I loaned him as I would any friend or any acquaintance who was afoot. When I loaned it to him there was nothing said as to any official advantage on his part, and I never received or expected anything of that kind. I never asked for it.

By Mr. DUNGAN:

Q. Do you know whether that was on the trip when he came through Chicago?—A. Sir?

Q. Was that trip when he came to Chicago?—A. I do not know anything about that trip; no, sir. I think he had been out in Kentucky, possibly on some official business.

By Mr. ENLOE:

Q. Did you ever indorse any paper for him?—A. I did not.

Q. That is the only financial transaction you ever had with him?—A. The only financial transaction I ever had with him.

Q. Was he still acting as assistant chief when you were called in from the field?—A. I could not really say. I believe he was, though. In my official duties I had nothing to do with him. That was done through what is called the supervising examiner for each district.

Q. Did you have any idea whether or not, or have any reason to believe, that his indebtedness to you and your desire to collect that

debt had anything to do with your being called in?—A. No, sir; I did not. At that time there were 100 or 150 special examiners called in. At least there were four called in from Cincinnati, where I was stationed.

Q. You were then assigned to duty in the office, were you?—A. Yes, sir.

Q. You are still in the Pension Office?—A. Yes, sir.

Q. You wrote this letter?—A. I desire to say that my attention was called to an article in one of the New York papers, I think possibly the New York Herald, which reflected, as I considered it, on me officially, charging that myself and others had been guilty of bribery, or language to that effect. I was called on by the Commissioner to state whether or not I had ever received any money in an official capacity.

By Mr. DUNGAN:

Q. Ever received any?—A. No; whether or not I had ever loaned any money, or something to that effect, in an official capacity, to Mr. Wayson, based on that article, to the effect that improper influence had been exercised on him to retain me in the field. I did not say anything about this, because I do not think it was pertinent, gentlemen, for it was not warranted, as the communication was worded, whether or not anything had ever been done in an official capacity.

By Mr. LITTLE:

Q. What did you understand the Commissioner to mean by an official capacity?—A. I think possibly in that article in this letter—I believe it was the Herald—it was charged that these special examiners had been instrumental in securing their places or retaining them by the use of money.

Q. That is what you understood him to mean by official capacity—if you had bought his influence?—A. Yes, sir.

By Mr. DUNGAN:

Q. You say that you answered that letter? That letter was in answer to one from the Commissioner, or was not it answered? Did Mr. Wayson request you to write officially?—A. It had the official sanction; I am positive in regard to it. My understanding was that it was an official letter. In regard to that information possibly it might have been through Mr. Wayson.

Q. Do you understand the Commissioner can confine your answer to the official acts?—A. That was my understanding; that was the language of the instrument.

By Mr. PAYSON:

Q. Well, I suppose the letter will show what it said, Mr. Little. I want to get at his understanding?—A. My understanding was that it was outside of my official capacity. I did not think it would be anybody's business but my own.

Q. You would consider it official if you had bought this party's information?—A. Most assuredly.

By the CHAIRMAN:

Q. You did not mean that there has been any other deal between you and Mr. Wayson except $30?—A. That is all. I was a little dilatory with Mr. Wayson, as I have been with a good many others.

TESTIMONY OF JAMES F. MORGAN.

JAMES F. MORGAN, being duly sworn, testified as follows:

Examined by Mr. COOPER:

Q. You live at Bloomington, Ind.?—A. Yes, sir.

Q. How long have you lived there?—A. I have resided at Bloomington for eight years. I am a native of the county.

Q. How long have you known me?—A. I have known you for twelve or fifteen years, I suppose.

Q. What is your business?—A. A lawyer and pension agent.

The CHAIRMAN. You are a pension attorney?—A. Yes, sir.

Q. Practicing here before this Bureau?—A. Yes, sir.

By Mr. COOPER:

Q. Admitted to practice in the Pension Bureau, are you?—A. Yes, sir.

Q. I will ask you to state if you ever had any correspondence with me as a member of Congress, relating to any claims that you had prosecuting in the Pension Bureau?—A. Yes, sir.

Q. To what extent did you appeal to me for assistance in that respect?—A. Since you have been a member of Congress I suppose I have written a great many letters to you asking for information, and asking for the status in pension cases wherein I was the attorney.

Q. I will ask you to state if that practice or business for you has been over or will cover nearly the entire period of my service here?—A. Almost the entire period.

Q. You may state at all times from the time I first became a member of Congress until now whether you have, whenever you needed assistance, appealed to me for it by letter or otherwise to look after your business.—A. Yes, sir.

Q. I will ask you to state, so far as you know, if I have not always given attention to your correspondence and business?

Mr. LIND. What is the object of this?

Mr. COOPER. I am going to follow this up. I am going to ask him if I ever asked him for any pay.

Last question read.

A. Yes, sir.

Q. I will ask you to state to the committee whether at any time I ever asked or received from you any compensation for any kind of services directly or indirectly that I have performed for you?—A. Well, excluding that which occurred during the month of January, my answer is you never did, and, with reference to that matter, of course, to fully explain the situation, I would prefer to state just what was done.

Q. We will come to that.

Mr. LITTLE. January of what year?—A. The present year.

By Mr. COOPER:

Q. You refer to the $25 returned by me to you?—A. Yes, sir.

Q. Outside of that I never asked or received from you any money or compensation of any kind for any services I ever rendered you as a member of Congress?—A. No, sir.

Q. Now, I will ask you to state to the committee whether in January you came to Washington?—A. I did.

Q. To look after matters here in which you were interested?—A. Yes, sir.

Q. If so, if you called upon me?—A. I did.

Q. Tell this committee what took place as you remember it from the time you met me until we separated?

The CHAIRMAN. You mean with reference to pension business?

Mr. COOPER. I want him to tell fully and freely whatever was said that would affect this matter.—A. I arrived here in Washington either the 4th or 5th of January, and I came here for the purpose of looking after my business, and I also had a private bill or two I had pending here in Congress for some parties, and also to look after my pensions business, and when I first came here I called on Mr Cooper, came over to the Capitol, I believe, on Wednesday, and I found Mr. Cooper on the floor of the House and we had a visit and he introduced me to a brother member of the House, and I spoke to him about these private bills I wanted him to introduce for some clients of mine, and he agreed to do it.

Q. You may state for whom they were?—A. One was for my father and one for a client there in Bloomington.

Q. One for your father and one for a client in Bloomington?—A. Yes, sir; Mr. William A. Alexander. After we talked these matters over I mentioned to Mr. Cooper I would like to call up some pension claims while here, and he requested me—this was Wednesday evening—and he requested me to call at his room the following morning at 9 o'clock, and in this same conversation he had spoken to me about Mr. Hersey being a pension attorney here and recommended him very highly. The conversation run along with reference to that matter on Wednesday evening, and on Thursday morning I went to Mr. Cooper's house and he took me to the Pension Office and introduced me to Gen. Raum and Col. Lincoln.

Judge PAYSON. What occurred at his house about pension business?

A. There was something said—I don't remember the exact language—something said with reference to my pension business; that was the purpose for which I went there, to make some arrangements to have these cases called up, and Mr. Cooper again referred me to Mr. Hersey as a very bright fellow here who understood matters of that kind and said he would introduce me to Mr. Hersey. We went to the Pension Office and he introduced me to Gen. Raum and Col. Lincoln, and from there to the Land Office and from there to the Atlantic building, and while we were over there Mr. Cooper introduced me to Mr. Hersey; and I can't give Mr. Cooper's exact language in regard to this part of it, but my attention was called to Mr. Hersey and he said he was a pension attorney and I told him I was in town for the purpose of looking after my business; and finally Mr. Cooper said to me that if I had anything worth paying for why Mr. Hersey would assist me, and Mr. Hersey gave his assent. But I will say this to the committee now with reference to the matter in which Mr. Cooper spoke to me all the while concerning Mr. Hersey; he recommended him as a pension attorney, but yet he said Mr. Hersey was his private secretary. I will say for the benefit of Mr. Cooper, which is a fact, that there was nothing indicated to me that if Mr. Hersey did any work for me that it was to be done in the capacity of Mr. Cooper's private secretary or that his position as a member of Congress should be used. There was nothing of that sort said; but in recommending Mr. Hersey, Mr. Cooper made that remark to me about Mr. Hersey: "If I had anything worth paying for Mr. Hersey would attend to it for me." I can't give the exact language as to what followed, but that is about all there was to it; and I promised Mr. Hersey I would call at his office next day and went away with Mr. Cooper,

and we went down to the old Ford Theater and I went through that building, and I came back to the Capitol with Mr. Cooper on Thursday evening, and I don't think I saw Mr. Cooper any more during my stay. I thought this Hersey matter over and I decided for the present at least that I wouldn't see Mr. Hersey any more while I was here.

Judge PAYSON. Why?

A. I was not in a position to make any deal with him, and I thought if I made a deal with him to pay him compensation for his services, and I was not in a position to do it at that time; and the next day I went to the Pension Office alone and went into Col. Lincoln's room and had a conversation with some young man in the office, I don't know his name; I told him I was an attorney and had considerable business but didn't know anything about the ropes and I would be glad to call up some of my cases and see if I couldn't get the status of them. He sent me into the chief clerk's room and told me to get some slips and make these calls myself as the attorney, and he told me that in order that some attention should be paid to these slips that I should make my statements very strong, and I went in and put quite a number of calls on attorney's slips and went back to Col. Lincoln's room. Mr. Hersey was there. This was the next day after I saw him in his office, and he said, "You didn't come over as you said you would?" and I said "No, I had been too busy and couldn't get over;" and so he said "Can you call before you leave town," and I told him I thought I could, but I left those slips and went away and never saw Mr. Hersey any more after that. I went out home and in a short time after that I spoke to Mr. Worrall about Mr. Hersey, asking him if he knew anything about him. He is a pension attorney at Bloomington, and I asked Mr. Worrall if he knew anything about Hersey, and he also recommended him and said he was a real bright fellow and he said about the same in regard to him that Mr. Cooper had said; said that he had at one time been connected with the Pension Office and could assist me in my business, and I asked Mr. Worrall about what rate of compensation he paid him and he said he paid a dollar a case for information. After Mr. Worrall told me that I then wrote a letter to Mr. Cooper. I would have written it to Hersey had I known his address. I wrote a letter to Mr. Cooper, calling his attention to meeting Mr. Hersey, and told Mr. Cooper that I would have to have him furnish me some information. Mr. Hersey furnished me the information and I inclosed him twenty-five cases, and in that letter I said to Mr. Cooper that I was willing to pay Mr. Hersey a reasonable compensation for his services. That letter was turned over to Mr. Hersey by Mr. Cooper and he answered it himself.

Mr. COOPER. How do you know it was turned over to him by me?

A. He said so in his letter. Those letters are all exhibits in my affidavits. He furnished me the status of ten cases.

The CHAIRMAN. Who; Hersey did?

A. Yes, sir; and he asked me as to what I thought would be a reasonable compensation for his services. We had not agreed upon any stated amount and so I wrote Mr. Hersey a letter then, in care of Mr. Cooper, stating to him that I didn't like to state a price on his labor, and for him to state what would be a reasonable compensation, but he didn't say that, however. Before this time I had got an impression somewhere along the line that the compensation he charged was a dollar a case. I don't know whether I got that from the conversation I had with Mr. Hersey or not. So after I had this conversation with Mr. Worrall and found out that he had been paying him a dollar a case, I agreed to do so myself, and inclosed $25 to Mr. Cooper for Mr. Hersey to pay for the information of the twenty-five cases I had already sent.

Mr. LITTLE. Sent the money to Mr. Cooper?

A. Yes, sir; for the reason I didn't know his address. In all the correspondence I had with him he didn't give me his number. He used Congressional letter heads and Congressional envelopes, but didn't give me his address.

Mr. BROSIUS. You said a moment ago you sent one letter to Mr. Hersey in care of Mr. Cooper. You know he received that letter?

A. That letter was directed to Mr. Cooper, I think.

Q. What was the contents of that letter?—A. That was the letter in which I inclosed the slips of twenty-five cases and offered to pay a reasonable compensation.

Mr. COOPER. In that letter you inclosed twenty-five slips and offered to pay a reasonable compensation for what?

A. For the information.

Q. In relation to the status of these cases?—A. Yes, sir.

Q. Do you know what Mr. Cooper did with that letter?—A. He turned it over to Mr. Hersey, and Mr. Hersey answered it.

Q. And he sent you the status of ten cases?—A. Yes, sir.

Q. Do you know by what means Mr. Hersey obtained the status of those ten cases?—A. I did not at that time.

Q. Have you ascertained since?—A. All I know about it there were Congressional slips exhibited to me when my affidavit was taken.

Mr. COOPER. I think I ought to be allowed to state right there that I was at home in Indiana when those slips came and the proposition to pay for it, and never saw the letter or the slips or the proposition, and when I came back the money and the second letter was here and I immediately returned that to Mr. Morgan.

Mr. BROSIUS. I would like to know. You say you were not here when the letter was received, but you received the letter containing the $25.

Mr. COOPER. Yes, sir; that was a registered letter, and I had to receipt for that letter in order to get it.

Q. Did that letter contain a statement for what the money was for?—A. Yes, sir.

Q. You knew that money was to go for information he had obtained in relation to status of cases?—A. I knew he said so.

Q. You knew at the same time that Mr. Hersey was using your Congressional slips?—A. No, sir; no, indeed.

Q. I understood you to say he was doing that?—A. I learn that now to my great sorrow, and if you will read my letter, I returned it immediately to him, stating that could not be.

Mr. ENLOE. Has the witness completed his statement?

The WITNESS. That is the way I knew the information that Mr. Hersey furnished me was obtained in that way, over the signature of Mr. Cooper.

Mr. DUNGAN. You mean when the statement was taken by Lineaweaver and Greenawalt.

A. My statement was taken by Mr. Greenawalt.

Mr. BROSIUS. I don't understand how Mr. Hersey got Mr. Cooper's slips without his knowledge?

Judge PAYSON. That has already been put in evidence, the fact that Mr. Hersey was acting as Mr. Cooper's private secretary as well as for several other gentlemen.

Mr. ENLOE. Is there anything else now you wish to testify in regard to that matter.

A. No, sir; I think not.

Q. You say at the time you went down there at his office you found his office in the Atlantic building, didn't you?—A. Yes, sir.

Q. You knew then where his office was in this city, didn't you?—A. I did'nt know until some time after that. While Mr. Cooper may have spoken about his office being in the Atlantic building that fact escaped my mind, got out of my mind in some way, and I didn't remember it was in the Atlantic building.

Q. How did it happen to drop in your mind again?—A. I don't remember.

Q. You testified in this affidavit you visited him in the Atlantic building?—Yes, sir.

Q. You knew his office was in the Atlantic building?—A. Yes, sir.

Q. You couldn't have sworn to it if you didn't know it, could you?—A. No, sir.

Q. Then knowing his office was in the Atlantic building, you knew where to address him, didn't you?—A. At the time I was writing the letters I din't know, it had dropped out of my mind just where he was located, but on the fact being mentioned to me that his office was there I remembered it immediately.

Q. Who told you that his office was there?—A. I believe it was Mr. Worrall some time after I got home.

Q. You think that when this affidavit was made it was made on the information of Mr. Worrall?—A. The fact was mentioned sometime after I got home, and then I remembered Mr. Cooper had given that name as the name of the building where his office was located.

Q. Now, you say at the time you were there that the subject of compensation was not mentioned between you three?—A. Yes, sir.

Q. Didn't you state that Mr. Hersey told you that a dollar a case was a fair compensation?—A. If I remember it correctly. I am not sure where I got that information.

Q. Didn't you state since you have been on the stand here that you understood that Mr. Hersey was charging a dollar per case at the time you made that visit down there and had that conversation with Mr. Hersey; that you understood, thought a dollar a case was fair compensation?—A. I said I got it from either him or Mr. Cooper.

Q. You got that, then, while you were in the Atlantic building?—A. From either Mr. Hersey or Mr. Cooper.

Q. Didn't you state that just now?—A. That is what I state; yes, sir; that is what I stated.

Q. If that was the case, why was it you wrote a letter in which you don't seem to understand what the compensation is that Mr. Hersey was to charge?—A. Well, I wrote a letter in which I called for attention to a number of cases I had, and I thought perhaps by having a number of cases, I believe there were 250, that perhaps the compensation would be less.

Mr. BROSIUS. That you would get it at wholesale rates, eh?

A. Yes, sir.

Mr. ENLOE. Didn't you state since you have been here that you didn't know what he was charging?

A. I am not sure about that; but I got the impression somewhere along the line and I thought I got it either from Mr. Hersey or Cooper, that $1 a case would be the compensation; but after I saw Mr. Worrall he told me that was what he was paying.

Q. Did you get that soon after you got home?—A. In a letter I wrote to Mr. Cooper I told him I got the impression that the compensation

would be $1 per case. That was in the letter to Cooper, and that letter was turned over to Hersey and he answered it.

Mr. LITTLE. Mr. Cooper never answered that letter?

A. No, sir.

Mr. ENLOE. You say you stated that in a letter to Mr. Cooper. There is the letter you wrote him. Point out where the place is where you said that. (Hands letter to witness, which witness reads.) Now, do you say you made any such statement to Mr. Cooper in that letter?

A. Well, I see that I am mistaken as to the statement being in this letter. It is in the letter inclosing the $25.

Q. Now, you say you got this information from Mr. Worrall soon after you got back, and you then wrote him and sent him these slips and said what you thought the compensation was?—A. I think that is so.

Q. Now you say you didn't do that?—A. I say I had a talk with Mr. Worrall and he said he paid that much; but, of course, any contract he had with Mr. Hersey wouldn't be a contract with me.

Q. This is the first letter you wrote, isn't it, to Mr. Cooper, in relation to this matter, after you returned home?—A. I think so, but I am not sure.

Q. You exhibited it as your first letter?—A. I think so.

Q. You say in that: "I will pay such compensation as is proper for the status of these claims. I would have written direct to your man Hersey, but I didn't get his address." Now, didn't you say that in the conversation that you had with Mr. Worrall that he told you his address was in the Atlantic building, and that refreshed your mind on the subject?—A. That was not in the first conversation. We had several conversations.

Q. That was not the one then?—A. I suppose not.

Q. Why did you refer to Mr. Hersey as "your man Hersey?"—A. r. Cooper had recommended him to me.

Q. Did you understand from anybody that Mr. Hersey belonged to Mr. Cooper in any way?—A. I knew he was Mr. Cooper's private secretary.

Q. Did you understand that Mr. Cooper was interested in Mr. Hersey in any way?—A. No, sir; not at all.

Q. You received a letter then from Mr. Hersey?—A. Yes, sir.

Q. Yours was dated February 8 and this is February 18, acknowledging receipt of your letter from Mr. Hersey. I will ask you if Mr. Hersey didn't place on the letters which he wrote you a stamp showing where his office was?—A. No, sir.

Q. Have you got the original of that correspondence?—A. The original I filed as exhibits in my statement.

Q. These are copies?—A. Yes, sir.

Judge PAYSON. The originals are in the Department of the Interior.

A. If there was any mark of that kind, I didn't notice that.

Mr. ENLOE. If there had been you would have noticed it?

A. It seems to me I would; I ought to have noticed it; if there were any marks of that kind I didn't notice it; that is, indicating where his office was.

Q. Next time you wrote to Mr. Hersey you wrote him February 19, and you addressed him care of Hon. George W. Cooper, according to this exhibit which you make here. You still hadn't had any conversation at that time with Mr. Worrall, by which you could locate his office in the Atlantic building?—A. I don't remember about that.

Q. You don't remember whether you had had a conversation with Mr. Worrall at that time or not?—A. No, sir.

Q. You had found out something about the rate of compensation that Mr. Worrall was paying?—A. I don't know as to that really. Is that the letter inclosing the $25?

Q. No, sir. This is the letter acknowledging you had received the status of ten cases.—A. The sum had not been agreed upon at that time, I don't think. Just let me see the letter please.

(Mr. Enloe hands letter to witness.)

WITNESS. This is my own letter acknowledging the status of the ten cases.

Mr. ENLOE. What ten cases were those?—A. Those were ten of the twenty-five cases.

Q. There were twenty-five cases sent to Mr. Cooper, and that letter was turned over to Mr. Hersey, and his letter was written to you, and in it he inclosed the status of those ten cases?—A. Yes, sir; that is true.

Q. When you wrote this letter you either hadn't learned from Mr. Worrall what Mr. Hersey was charging or had forgotten what you learned here about it?—A. I can't say as to whether Mr. Worrall had told me before that time that he was paying him $1 per case; but even if he had I don't think I would have mentioned it in that letter.

Q. Why wouldn't you?—A. Simply because that was a matter that was of no business of mine. It was not necessary for me to say, and I don't think it would have been proper for me to say that you are doing that work for so and so for so much.

Q. You think you understood that before you went back home?—A. I have that impression.

Q. If you understood that, what was your object in commencing this correspondence, which was addressed under cover to the Hon. George W. Cooper; what was the object of mentioning the amount of compensation?—A. Nothing was said about it as to what the compensation would be here, and I think I said I had two hundred and fifty cases, and I wanted to make a lumping deal of the cases.

Q. You state two hundred and fifty at one time and two hundred at another?—A. I think I stated two hundred and fifty both times.

Q. Did you understand that this information you were getting from this man was surreptitiously obtained, and against the rules of the Department?—A. I didn't know it until after I received the first status.

Q. Never thought there was anything wrong about it up to that time?—A. No, sir.

Mr. ENLOE. Here is a memorandum in the letter which Mr. Hersey sent you.

A. Yes, sir.

Q. And that had been sent you before you got the information about the ten cases?—A. That letter was dated February 18, and the letter of acknowledgment was February 19.

Q. You acknowledged the receipt of the ten cases?—A. Yes, sir.

Q. In that letter he said, "The present regulations of the Bureau forbids attorneys from examining records, and I can only obtain such information," and so forth. Didn't you know when you read that letter that he was getting that on a Congressional slip?—A. I knew it then; yes, sir.

Q. "It will be therefore necessary to consider all correspondence as confidential." That put you on your guard that this was surreptitious and a violation of the rules?—A. I was anxious for the information, and I take issue with the Department about a great many things.

The CHAIRMAN. We don't care anything about that. But we would like to know what you do know about it.

A. I will say that when Mr. Cooper introduced me to this man Hersey, and recommended him as competent and a competent person to tie up to in such matters, that I didn't think there was anything wrong about it.

Q. You did after you got that letter?—A. Yes.

Mr. ENLOE. After you got this letter you found it was wrong to take this correspondence in this way, to get this information in this way?—A. I found it was wrong—that is, I found that he said it was.

The CHAIRMAN. What is the date of that letter?

A. February 18.

Mr. ENLOE. Didn't you know that if you violated the rules of the Department you were liable to disbarment as a pension attorney?

A. Yes, sir; I knew that a man who had violated the rules was subject to disbarment.

Q. After you received that letter and your attention was called to the fact that he was obtaining information on Congressional slips and you were warned it was confidential, on the very next day you sit down and write to him again?—A. Yes, sir.

Q. That is February 19?—A. Yes, sir.

Q. You in that letter state: "I have received the status of the ten cases sent to the Hon. George W. Cooper. The status seems to be complete and of great value to me. As to compensation I don't care to set a price on any man's work," and so forth.—A. I think that ought to be 250 cases instead of 200 as the letter states.

Mr. ENLOE. I want the letter introduced here.

The following is a copy of the letter referred to by the witness:

[James F. Morgan, attorney at law. Office: Bank building, upstairs.]

[Copy to S. R. Hersey, care of G. W. Cooper.]

BLOOMINGTON, IND., *Feb'y 19th*, 1892.

S. R. HERSEY,
Washington, D. C.:

DEAR SIR: I have just received the status of 10 of the cases which I sent to Hon. G. W. Cooper. The status of these cases seems complete and of great value to me.

As to compensation, it is not for me to say what you should receive. I will not allow any man to set a price on my labor. You know better than I what your services are worth. Therefore, write me by return mail what you desire, and I will forward to you at once.

As you did not give me your address, I am compelled to write you in care of George. I have about 200 cases dragging, and when a proper understanding is arrived at as to compensation I will give you more cases.

JAS. F. MORGAN.

Q. After you found out it was wrong and in violation of the rules of the Department, the next day you want to make a contract to get two hundred more attended to?—A. I want to say, along there somewhere, in the absence of this correspondence, just speaking of this matter offhand, I may get a little mixed up in that way. At some point along the line Mr. Greenawalt came to me at Bloomington and called my attention to the fact that I was in the office with Mr. Cooper, and after I went away from there some cases were called up, and then he went ahead to say there were a good many things being done, and spoke of this man Hersey in violation of the rules of the office, and that they were on the lookout for him, and he told me several things that he had done; that he had information that he had been securing the status of

cases there, securing information from the Pension Office and selling it to attorneys.

Q. At what time was that?—A. That was somewhere along there. I don't remember the day.

Q. Before or after your correspondence with Hersey? Was it during the time you were carrying it on?—A. During the time I was carrying it on; yes, sir.

Q. Before you received the status of these ten cases?—A. At that time he interrogated me as to what connection I had with Mr. Cooper and Mr. Hersey, and I told him everything that had been done up to date.

Mr. DUNGAN. Was that before you sent the twenty-five cases in?

A. No, I think it was after.

Mr. ENLOE. Are you positive it was before or after?

A. I am not positlve just where he does come in.

Q. Was that along about the latter part of January or early in February—how long after your visit in Washington?—A. Sometime during the next month; in February, I think.

Q. Was it the early part of the next month?—A. I think so.

Q. Was that the first visit he paid to you on this business?—A. Yes, sir; and I will say further that he told me a number of things, and the manner in which they were put to me by him indicated a very bad state of affairs, and he requested me to go right on with that thing.

Q. To go on with the correspondence?—A. Yes, sir; and I did so.

Mr. DUNGAN. Then those letters were written really as a sort of decoy?—A. Not all of them.

Mr. ENLOE. Which one of them did you write as a decoy letter after this talk with Greenawalt?—A. The letter containing the twenty-five cases had been sent.

Q. Do you know whether a response had been received to it written by Mr. Hersey and containing this caution about how you should proceed; did you show that to Mr. Greenawalt at that time, that letter which contained the caution?—A. I don't know whether I did at that time or not.

Q. Did you tell him that Hersey had called your attention to it?—A. I told him what I heard about it.

Q. You ought to remember whether or not your attention had at that time been called by Mr. Hersey to the fact that this was dangerous business.—A. He had spoken of this matter, that it must be confidential.

Q. You received that information before Mr. Greenawalt called on you?—A. Yes, sir.

Q. Did you feel any apprehension when he called, or have any fear of getting into trouble with the Department about it?—A. I just told him what had been done.

Q. He just came in and told you he had—how did he begin that conversation; what did he say?—A. I don't remember just what he said. He mentioned the fact that I had been to Washington and called at the Department with Mr. Cooper.

Q. How did he know that fact? Did you meet Mr. Greenawalt there that day?—A. I don't remember whether I did or not.

Q. Did you find that you had met Mr. Greenawalt before you met him that day?—A. No, sir.

Q. You don't know how he knew that you had been at the Pension Office with Mr. Cooper?—A. No, sir; Mr. Cooper may have introduced me. I don't remember about that.

Q. You just stated you hadn't seen him before he called on you at Bloomington.—A. Not that I recollect of.

Q. You haven't said anything about meeting Mr. Greenawalt, in your affidavits or statements that you made there. Don't you know you never met him until he called on you at Bloomington?—A. I don't know; I can't say.

Q. Don't you know you never met him or was never introduced to him before that day?—A. I can't say. Mr. Cooper introduced me to Gen. Raum and Mr. Lincoln and two or three clerks, and Greenawalt might have been one of those clerks; I can't tell about that.

Mr. LITTLE. Did he claim to have met you before that?

A. No, sir.

Mr. ENLOE. What did he claim had brought him there to see you?

A. As I said awhile ago, he said there was an investigation going on as to some crooked matters in which Mr. Hersey was involved.

Q. Did he tell you he had been sent out by the Commissioner to inquire into it?—A. He represented himself as a special examiner looking into the matter.

Q. Did he say he had instructions to call upon you?—A. I don't remember his using that language. He represented himself to me as a man having authority to investigate the matter.

Q. You say at that time you had this caution from Mr. Hersey?—A. I am not sure; I can not get the dividing line in my mind.

Q. You say you had found out that this was a hazardous business?—A. I think that Mr. Hersey—I know that in the first letter he said something about its being confidential.

Q. You were not afraid of his getting you into any trouble. You didn't feel apprehensions when he told you what his business was?—A. I don't mean to say that. I didn't think there was anything I had done that would cause my disbarment. I didn't feel that way at all.

Q. Did this man tell you they were hunting up evidence in this case for the purpose of disbarring Hersey?—A. He didn't say.

Q. Didn't he tell you it would result in Hersey's disbarment if these things were established?—A. He may have said that; I don't remember.

Q. Didn't he tell you the attorneys engaged in it were likely to be disbarred?—A. He spoke especially of Mr. Hersey.

Q. He didn't say anything about the others?—A. He mentioned a number of parties that were connected with the matter.

Mr. DUNGAN. Attorneys or members of Congress?

A. I remember one name, Mr. Cunningham, and also Mr. Reagan; and perhaps one or two others.

Q. Did he tell you he had been at some other places looking for information and to see other parties?—A. He started out with that kind of a statement, that the office had information that Mr. Hersey was getting information from the Pension Office improperly and disposing of it to attorneys and he was investigating it and wanted to know what I knew about it; and so he started in with my trip to Washington and followed me up, and I answered such questions as he put to me only.

Q. This second letter here, addressed in care of the Hon. George W. Cooper to Mr. Hersey, you say that was written after the visit of Mr. Greenawalt in which you acknowledge receipt of the status of ten cases?—A. My impression is Mr. Greenawalt's visit was after that; but before the sending of the $25. I can get that near to it.

Q. Now you received on the 27th of February another communication, signed S. R. Hersey, and addressed to you, sending you the status of

additional cases and stating the usual fee charged by attorneys for calling up and giving the status of claims was a dollar per case. You knew when you received this letter that Mr. Hersey's business was an illegitimate business, didn't you, and that he was getting improper information?—A. I suppose so. What date is that letter?

Q. February 27.—A. That is after Mr. Greenawalt's visit.

The CHAIRMAN. After Greenawalt was at your place?

A. Yes, sir; I think so.

Q. Now, on February 22, you send a copy of a letter to Mr. Cooper, in which you tell him you have received Mr. Hersey's letter, and tell him about the cost of the information, a dollar per claim, and that you had about two hundred and fifty claims; that you had sent in the status of twenty-five and inclosed him $25. Now, you wrote that letter after Mr. Greenawalt's visit in which you inclosed the $25?—A. Yes, sir. Let me see the date of that, please.

[Hands letter to witness.]

WITNESS. I will say that that was the day he was there.

Q. Did Mr. Greenawalt see this letter before you mailed it?—A. Yes, sir; I think so. I think I showed it to him.

Q. I see you have this indorsement on it: "Copy to Cooper." You copied the original of that letter and sent him a copy, or did you give the original to Mr. Greenawalt?—A. I suppose that is the original.

Q. You took a copy of that so as to keep the original, and gave it to Mr. Greenawalt?—A. When he took my statement.

Q. At the time this letter was written did he take a copy of it?—A. No, sir; I took a copy of it and kept it until my statement was given.

Q. Mr. Greenawalt was present when you posted this letter and saw what it contained?—A. Yes, sir.

Q. And you sent it as a decoy to Mr. Cooper?—A. I will say that Mr. Greenawalt is the author of that letter; I wrote the letter at his request.

Q. He dictated the terms of this letter?—A. Yes, sir; that is right.

Mr. DUNGAN. Was that sent as a decoy to Cooper?

A. Yes, sir; that was the intention of the letter.

Mr. ENLOE. And the intention was to catch Mr. Cooper and attach him to Mr. Hersey?

A. That was Mr. Greenawalt's intention.

Mr. LITTLE. Was it your purpose to help him?

A. It is pretty hard for me to tell that.

Mr. ENLOE. Didn't you understand that you were in this position: That you had understood from Mr. Greenawalt that you had laid yourself liable, and you were apt to get yourself in trouble if you didn't help him in this matter?

A. No, sir; I didn't say that.

Q. Didn't you understand that that was your position?—A. No, sir.

Q. You were not afraid of prosecution by the Department?—A. No, sir; that is the way I felt about it.

Mr. DUNGAN. I understood you to say that they were after Mr. Hersey?—A. Yes, sir.

Q. Now you say it was Cooper they were after?—A. Mr. Cooper's name was connected right along with Mr. Hersey.

Q. That last letter that Mr. Enloe has called your attention to was not sent to Cooper because you didn't know where Hersey was then?—A. Greenawalt went on to state what he was doing and in each case he was using Cooper's name, and the Department had an idea that Cooper was connected in the matter.

Mr. ENLOE. The Department had that idea?—A. Yes, sir.

Judge PAYSON. Whom had he got that idea from?—A. He stated that he had gotten it from other parties whose statements he had taken in connection with this same matter.

Mr. DUNGAN. How did he get your name, to come to you in the first place?—A. He approached me in this way: He called my attention to the fact that I had been in the office with Mr. Cooper; and shortly after I left the city there were some of my cases called up on his slips, that is, Hersey had called up the cases in which I was the attorney. That was the statement he made to me at the time.

Mr. ENLOE. How did you send that letter to Mr. Cooper?—A. It was registered.

Q. What was your object in registering it instead of sending a draft or check?—A. I suppose Mr. Greenawalt wanted to know whether he got it or not.

Q. Did Mr. Greenawalt tell you to send it that way so you could trace it directly to his hands?—A. Mr. Greenawalt went with me to the post-office and did the mechanical part of it himself.

Q. You were standing in front and Greenawalt was doing the work, and he had that money sent in a registered letter so you could get a receipt in Cooper's handwriting and trace it directly to his hands, didn't he?—A. Yes, sir; that was the purpose of it.

Q. On March 9, 1892, you wrote another letter. On March 9 you wrote Mr. Hersey again stating to him as follows: "Yours containing status of five cases more has just been received. This makes the status of twenty-four cases I have had from you. I am somewhat surprised you ask me to make settlement for these, because I have already sent $25 to the Hon. George W. Cooper," and so forth. And then you add: "Please inform me whether or not you have received it." You had some doubts at that time whether Mr. Cooper was receiving this or not, receiving the money I mean?—A. Yes, sir.

Q. Did you write that letter under the direction of Mr. Greenawalt?—A. No, sir.

Q. Did you have the idea that Cooper was keeping this money himself and Hersey not receiving it?—A. I knew then just what the trouble was. At the time I sent the money inclosing the $25 to Mr. Cooper, Mr. Cooper was in Indiana trying a lawsuit, and the letter was received by the Clerk of the House or at the post-office, and it is his receipt I have, and Mr. Cooper didn't get back until some time after that, and after he got back he got that letter containing the $25, and in a few days after that he wrote to me and explained the reason of his delay. He wanted to see Mr. Hersey and have a talk with him as to what the $25 was for.

Q. That was March 11, 1892, he wrote you that letter?—A. Yes, sir; and so he wrote me the letter returning the $25.

Q. Did you write a letter to Mr. Greenawalt again telling him about receiving the $25 back?—A. I did.

Q. Have you got a copy of that letter?—A. I believe that I have.

Q. Where is it?—A. At my office, if I have it.

Q. You did not file that as an exhibit in this case?—A. No, sir.

Q. Mr. Greenawalt did not want it?—A. I don't know about that.

Q. He didn't ask you to furnish a copy of that?—A. I don't know about that.

Q. What did you tell him about that as near as you can remember?—A. I told him I had received a letter from Mr. Cooper returning the $25, and in which he said so and so, and I copied from the letter.

Q. You copied from Cooper's letter?—A. Yes, sir.

Q. Saying what Mr. Cooper had said?—A. Yes, sir.

Mr. DUNGAN. That was before this statement of yours was taken?

A. That was before the written statement was taken. The first interview I had was a verbal interview; he came there and we talked it over together.

Judge PAYSON. This statement was taken subsequent to the whole business?

A. Yes, sir.

Mr. ENLOE. Then Mr. Greenawalt came up there again to see you to take this statement?

A. Yes, sir; and there was a gentleman with him by the name of Lineaweaver?

Q. You say that gentleman was with him?—A. Yes, sir.

The CHAIRMAN. Do you mean to say that at the time this statement was taken, when your affidavit was taken, that Greenawalt knew you had this letter from Cooper inclosing the $25?

A. Yes, sir; it is in the statement; it is a part of my statement.

Q. He took your statement on the 28th day of March?—A. Yes, sir; now I don't know about that; I am not certain, but it was somewhere along there.

Mr. ENLOE. Did you meet Commissioner Raum when he was out in Indiana canvassing in Cooper's district?

A. Yes, sir; I was introduced to him at that time.

Q. Why was it necessary for Mr. Cooper to take you down and introduce you to him again?—A. I was introduced to him in a small room something like this and it was full of people.

The CHAIRMAN. Did you think it necessary to be introduced again?

A. Yes, sir.

Mr. ENLOE. Did you introduce him to any audiences out there?

A. No.

Q. You didn't introduce him to any audiences?—A. No, sir; when I went to the room where he was in Bloomington I was introduced to him by Gen. Hunter, and just for a moment I stood by the side of the general and talked a few words with him and remember of introducing three or four persons that came in.

Q. What are your politics?—A. I am a Republican.

Q. I will ask you this, if, when Gen. Raum went out there to enter into the canvass, if you didn't send out notices to your clients to come in and meet Gen. Raum?—A. Yes, sir.

The CHAIRMAN. Soldier clients?

A. I did it to the soldiers generally; sent a printed postal card to the soldiers generally to come in.

Mr. ENLOE. When they came in did Gen. Raum have some one to take down their cases and have them acted upon in the Pension Office?

A. There was a fellow with him who took some names.

Q. Who was he?—A. A fellow who resided in Greencastle. I have forgotten his name. I remember that I had some three or four clients there who were grumbling something about the slowness of their cases and I gave the general the number of their cases and their names.

Q. Do you know what sort of a slip he used in calling for that information in the office? Did he take it down on a slip of ordinary paper or use a printed slip?—A. If I remember he just took down the names and company and regiment in a small memorandum book.

Q. You didn't see what kind of a slip he used in calling for the information at the Pension Office?—A. No, sir.

Q. Were you advised as to whether or not those cases received prompt attention when they were sent into the Pension Office?—A. Yes, sir.

Q. Did they receive prompt attention?—A. Yes, sir.

Q. Do you know whether they were cases that had been pending for adjudication, and they were then adjudicated?—A. I can't say as to that. They were cases that were finally adjudicated, perhaps not at once.

Q. Did you get a number of cases adjudicated soon after that that you furnished to him?—A. O, yes. I have cases allowed all the time.

Q. I will ask you if you had any correspondence with Mr. Greenawalt or Gen. Raum or anyone relative to your visit here in January.—A. I did not.

Q. Did anybody make any suggestion to you then that there was to be an effort made through the Pension Office to entrap Mr. Cooper in some way?—A. There was not.

Q. When you went back to the office after you left Mr. Cooper did you see the Commissioner?—A. I never saw him only one time, and that was when Mr. Cooper introduced me to him.

Q. You didn't go down here, then, with the idea of entering into a scheme against Mr. Cooper?—A. I did not, sir; never dreamed of such a thing.

The CHAIRMAN. You say Mr. Hersey cautioned you the first time you visited him that it would be necessary to maintain secrecy?

A. No, sir. It was the first letter.

Q. After you received this information from Mr. Hersey, down at the bottom of this letter under date of February 18, where he informed you he was furnishing information that must be of a private nature, you still continued on with the business?—A. That is, corresponding with him?

Q. Yes, sir.—A. Yes, sir; I did.

Q. You sent on to have the status of cases furnished you after you got this information [witness examines paper]?—A. O, yes, sir; there was other correspondence.

Q. You tried to get some information in other cases, didn't you, after you received this letter from Hersey?—A. Well, I think at the time I sent the $25 I inclosed ten other cases with reference to the twenty-five original cases.

Q. You expected to get the status of the remaining twenty-five cases?—A. Yes, sir.

Q. Did you get that?—A. Yes, sir; I have them with me.

Q. Then you got that information after this letter you had received informing you of the nature of the business?—A. No; at this time he had not furnished the status of any of the cases; but in that he acknowledged the receipt of the twenty-five cases by the letter from Cooper inclosing the cases.

Q. Then all your information as to the twenty-five cases was received after this letter of February 18?—A. Yes, sir.

Q. After you had been informed that this correspondence was deemed illicit correspondence?—A. Yes, sir; the next information I received was as to the status of those ten cases.

Q. You kept right on and got the information of the other fifteen after you got this letter?—A. Yes, sir.

Mr. LITTLE. I understood you sent ten more, making thirty-five?

A. Yes, sir; but I never got the status of the other ten cases.

Q. But you sent those asking for the status?—A. Yes, sir.

The CHAIRMAN. After you received this illegitimate information from Hersey, at the request of Mr. Greenawalt, you undertook to get a member of Congress to accept money for that purpose?

A. That was the purpose of it. He had come there and had figuratively taken charge of me, is the expression I would use.

Q. At the request of Mr. Greenawalt, who represented himself to be a special agent in the Pension Department, you wrote that letter and inclosed that money for the purpose of seeing if a Representative in Congress would accept that money for that illegitimate information?—A. I did it because he requested it of me. That was evidently the purpose.

Mr. LITTLE. You understood that was the object when you sent it?

A. Yes, sir; Mr. Greenawalt had told me a number of things; he told me something that surprised me very much.

Judge PAYSON. What was it?

A. Involving Mr. Hersey and Mr. Cooper. He spoke of having information that Mr. Hersey had gotten information from the Pension Office, and had used the official capacity of Mr. Cooper to get it, and had been selling it broadcast over the country and making money out of it.

Mr. LITTLE. You knew you had paid for some of it? You have already testified that you wanted to buy some?

A. As I said, when Mr. Cooper took me over there and told me Mr. Hersey would assist me if I had anything worth paying for, I didn't understand that Mr. Cooper was going to be involved.

Q. After you got this letter, which stated it was confidential, you still tried to get more information?—A. Yes, sir; I inclosed ten cases with the $25 to Mr. Cooper.

Mr. LIND. After you had this conversation with this man from the Department, did you have any suspicion in your own mind, not resting wholly on what he said, but in connection with what he had said and Mr. Cooper's actions here in Washington with reference to Hersey, did you have a suspicion in your own mind as to Mr. Cooper? I say this not for the purpose of striking at Mr. Cooper, but for the protection of the witness.

A. Yes, sir; I had a suspicion at once of the transaction in regard to Mr. Hersey. I thought of the transaction between Mr. Cooper and Mr. Hersey then, and that was the first thought I had of it in relation to Mr. Cooper.

The CHAIRMAN. You had a suspicion of Cooper?

A. I had after he told me his story; I had a suspicion all along the line. Of course his story involved Mr. Cooper.

The CHAIRMAN. You mean Greenawalt's story?

A. Yes, sir.

Mr. ENLOE. I want to ask the witness if, in his experience as a pension attorney, he has not been able to get that information which is now regarded as surreptitious, rather as confidential, without paying for it. Couldn't any attorney get the information which Mr. Hersey was getting pay for a few months ago?

A. I understand that they could have got that information; all of that information up to about thirty days ago, and thirty days ago a rule was made by the Department which excludes the information.

Q. If that rule had not been made there there would have been no occasion to pay extra compensation for that information?—A. For the last five or six months I have been having some trouble in getting my cases adjudicated there. It seems to be a hard matter. If you write a

letter direct to the Pension Office, it is a hard matter to get a reply to it or get the status of a case.

Mr. LITTLE. It was not so about election time was it, after the visit of the general to Indiana?

A. I have been in the pension business about ten years, and I will say I never noticed anything of that kind.

Q. You stated awhile ago that it was so, that at that time you could?—A. Yes, sir; that is true.

Mr. ENLOE. I want to ask this witness this question: Up to the time of the issuance of that order any attorney, any pension attorney, could get this information, and it would not be considered wrong to do so; that is true, isn't it, up to the time of this order you speak of?

A. Yes, sir.

Q. Now, when that order was made, what effect would it have upon pension attorneys residing here or away from here, in the management of their cases, compared with the effect it would have upon attorneys in Washington City having some one inside to furnish them that information?—A. He would have had that advantage.

Q. This information Mr. Hersey obtained could be gotten by a person having somebody on the inside having access to the office?—A. Yes, sir; prior to that order.

Q. Now, if a pension attorney in this city had a friend in there, this information could be obtained from there without going to any outside party?—A. Yes, sir.

Q. If they got that information, and by that means expedited the adjudication of their cases here, and your clients found out that your cases were not being adjudicated promptly, wouldn't the effect be that your business would leave you and they would go to the man who could do that?—A. This investigation has had that effect. It has been charged that attorneys in the city have advantages over those outside; it has been rather an advertisement for the gentlemen in the business in the city here. I have felt the effects of that myself.

Q. The natural result is, that if an attorney here can get his cases adjudicated more rapidly than attorneys in the country, that becomes understood, and the attorneys in the country begin to lose their business. The business leaves the attorneys in the country and comes to the attorneys in the city?—A. I don't say that that is true, but the advertisement has had that effect. I know that persons have gone to George E. Lemon for the simple fact that by the reason of the charges alleged against Gen. Raum, that he has an advantage that he is on the inside.

Q. Now, as a matter of fact, do those that send their cases to George E. Lemon think they can have their cases adjudicated more speedily?—A. I know something about that. I have cases right along with him and I know I get cases adjudicated as soon as he does, and sometimes sooner.

Q. You sometimes beat him?—A. Yes, sir.

Mr. LIND. I want to ask you this question: If the local attorney who has the opportunity to see his clients personally, gives the same degree of attention to the prosecution of the case that these attorneys here do that make it a business, isn't the local attorney in your judgment more likely to complete his case and have it in shape for adjudication before the Washington attorney?

A. Yes, sir; he has that advantage.

Q. He gets his proof in better shape and gets his case in shape ready

Q. You say at the time you went down there at his office you found his office in the Atlantic building, didn't you?—A. Yes, sir.

Q. You knew then where his office was in this city, didn't you?—A. I did'nt know until some time after that. While Mr. Cooper may have spoken about his office being in the Atlantic building that fact escaped my mind, got out of my mind in some way, and I didn't remember it was in the Atlantic building.

Q. How did it happen to drop in your mind again?—A. I don't remember.

Q. You testified in this affidavit you visited him in the Atlantic building?—Yes, sir.

Q. You knew his office was in the Atlantic building?—A. Yes, sir.

Q. You couldn't have sworn to it if you didn't know it, could you?—A. No, sir.

Q. Then knowing his office was in the Atlantic building, you knew where to address him, didn't you?—A. At the time I was writing the letters I din't know, it had dropped out of my mind just where he was located, but on the fact being mentioned to me that his office was there I remembered it immediately.

Q. Who told you that his office was there?—A. I believe it was Mr. Worrall some time after I got home.

Q. You think that when this affidavit was made it was made on the information of Mr. Worrall?—A. The fact was mentioned sometime after I got home, and then I remembered Mr. Cooper had given that name as the name of the building where his office was located.

Q. Now, you say at the time you were there that the subject of compensation was not mentioned between you three?—A. Yes, sir.

Q. Didn't you state that Mr. Hersey told you that a dollar a case was a fair compensation?—A. If I remember it correctly. I am not sure where I got that information.

Q. Didn't you state since you have been on the stand here that you understood that Mr. Hersey was charging a dollar per case at the time you made that visit down there and had that conversation with Mr. Hersey; that you understood, thought a dollar a case was fair compensation?—A. I said I got it from either him or Mr. Cooper.

Q. You got that, then, while you were in the Atlantic building?—A. From either Mr. Hersey or Mr. Cooper.

Q. Didn't you state that just now?—A. That is what I state; yes, sir; that is what I stated.

Q. If that was the case, why was it you wrote a letter in which you don't seem to understand what the compensation is that Mr. Hersey was to charge?—A. Well, I wrote a letter in which I called for attention to a number of cases I had, and I thought perhaps by having a number of cases, I believe there were 250, that perhaps the compensation would be less.

Mr. BROSIUS. That you would get it at wholesale rates, eh?

A. Yes, sir.

Mr. ENLOE. Didn't you state since you have been here that you didn't know what he was charging?

A. I am not sure about that; but I got the impression somewhere along the line and I thought I got it either from Mr. Hersey or Cooper, that $1 a case would be the compensation; but after I saw Mr. Worrall he told me that was what he was paying.

Q. Did you get that soon after you got home?—A. In a letter I wrote to Mr. Cooper I told him I got the impression that the compensation

would be $1 per case. That was in the letter to Cooper, and that letter was turned over to Hersey and he answered it.

Mr. LITTLE. Mr. Cooper never answered that letter?

A. No, sir.

Mr. ENLOE. You say you stated that in a letter to Mr. Cooper. There is the letter you wrote him. Point out where the place is where you said that. (Hands letter to witness, which witness reads.) Now, do you say you made any such statement to Mr. Cooper in that letter?

A. Well, I see that I am mistaken as to the statement being in this letter. It is in the letter inclosing the $25.

Q. Now, you say you got this information from Mr. Worrall soon after you got back, and you then wrote him and sent him these slips and said what you thought the compensation was?—A. I think that is so.

Q. Now you say you didn't do that?—A. I say I had a talk with Mr. Worrall and he said he paid that much; but, of course, any contract he had with Mr. Hersey wouldn't be a contract with me.

Q. This is the first letter you wrote, isn't it, to Mr. Cooper, in relation to this matter, after you returned home?—A. I think so, but I am not sure.

Q. You exhibited it as your first letter?—A. I think so.

Q. You say in that: "I will pay such compensation as is proper for the status of these claims. I would have written direct to your man Hersey, but I didn't get his address." Now, didn't you say that in the conversation that you had with Mr. Worrall that he told you his address was in the Atlantic building, and that refreshed your mind on the subject?—A. That was not in the first conversation. We had several conversations.

Q. That was not the one then?—A. I suppose not.

Q. Why did you refer to Mr. Hersey as "your man Hersey?"—A. r. Cooper had recommended him to me.

Q. Did you understand from anybody that Mr. Hersey belonged to Mr. Cooper in any way?—A. I knew he was Mr. Cooper's private secretary.

Q. Did you understand that Mr. Cooper was interested in Mr. Hersey in any way?—A. No, sir; not at all.

Q. You received a letter then from Mr. Hersey?—A. Yes, sir.

Q. Yours was dated February 8 and this is February 18, acknowledging receipt of your letter from Mr. Hersey. I will ask you if Mr. Hersey didn't place on the letters which he wrote you a stamp showing where his office was?—A. No, sir.

Q. Have you got the original of that correspondence?—A. The original I filed as exhibits in my statement.

Q. These are copies?—A. Yes, sir.

Judge PAYSON. The originals are in the Department of the Interior.

A. If there was any mark of that kind, I didn't notice that.

Mr. ENLOE. If there had been you would have noticed it?

A. It seems to me I would; I ought to have noticed it; if there were any marks of that kind I didn't notice it; that is, indicating where his office was.

Q. Next time you wrote to Mr. Hersey you wrote him February 19, and you addressed him care of Hon. George W. Cooper, according to this exhibit which you make here. You still hadn't had any conversation at that time with Mr. Worrall, by which you could locate his office in the Atlantic building?—A. I don't remember about that.

Q. You don't remember whether you had had a conversation with Mr. Worrall at that time or not?—A. No, sir.

A. I don't mean to say that. I mean that I was mistaken as to the first visit.

Mr. LITTLE. I want to know if you want this committee to understand when you testified yesterday that you had no recollection of that former visit?—A. I want the committee to understand this, that when I said Mr. Greenawalt first visited me on the 22d, I was mistaken; it was on the 7th.

Mr. LITTLE. Mr. Reporter, please read that question.

Question read.

A. I didn't remember the date of the first visit.

Mr. LITTLE. You mean of the fact of the former visit?

A. Well, no; I didn't remember that. In other words I suppose I ought to say I didn't locate the first visit in my mind.

Mr. LITTLE. That is not a correct answer, and I would like it, so we will not misunderstand this matter hereafter, and I want the stenographer to read that question. Mr. Stenographer, please read the question.

Question again read.

A. I did not or would have said so.

Mr. LITTLE. You have not said so before. If you say so now, that is what I want to know about.

Judge PAYSON. Answer the question I asked you: I asked you in regard to what you wrote in this letter, which I will read to you again.

(Judge Payson reads extract from letter as before.)

A. In seeing Mr. Cooper my purpose was to have these cases called up in the usual way. He was a member of Congress, and I expected Mr. Cooper and myself together would arrange the slips at his room, but as I said before, when we got there Mr. Cooper spoke about Mr. Hersey, and I never heard of him before, and he told me he would take me and introduce me to Mr. Hersey, recommending him as a man up in the business, who knew the ropes in the Pension Office, having been a former employés there, and so we went there, and he introduced me to Mr. Hersey in which he made the remark I have already testified to—"If I had anything worth paying for Mr. Hersey would attend to it." That was a surprise to me as I didn't expect the work to be done in that way, and then as I said yesterday, Mr. Hersey suggested that I come back the following day at 11 o'clock.

Q. I want to ask you and I want a direct answer, when that statement was made in your presence by Mr. Cooper, did you have a belief then that it was an improper thing for them to do?—A. I had this belief at the time there; I didn't think George was treating me right about it.

Q. How?—A. Simply asking that I should pay compensation for services that I didn't expect to pay for.

Q. For proper services?—A. Yes, sir.

Q. What do you mean in this letter to Mr. Greenawalt that Mr. Cooper was guilty of more malfeasance than he ever accused Gen. Raum of?—A. I had my opinion of that.

Q. I am asking for that opinion.—A. Well, sir, I didn't think it was right.

Q. Why? There is a line between honesty and dishonesty. Do you recognize that?—A. Yes, sir.

Q. I want you to tell this committee what you believe the fact to be; whether you believed them to be honest or dishonest?—A. I thought their purpose was to make some money out of it.

Q. Properly or improperly?—A. I thought improperly.

Q. That is what I am asking you about. Why didn't you say so?—A. Mr. Cooper was a member of Congress from my district and I had been in the pension business for ten years, and I had always got that information without costing me anything and it was a surprise to me when the proposition was made to me.

Mr. LITTLE. What proposition do you refer to?

A. To the proposition Mr. Cooper made in regard to having anything worth paying for, and soon after that I parted from them both and never saw Mr. Cooper any more while here in Washington. The next day I went to the Pension Office and asked to be permitted to call up these cases as an attorney.

Judge PAYSON. I want you to state your position when you wrote this letter to Mr. Greenawalt; what your belief was as to Mr. Cooper and Mr. Hersey and upon what you based that belief.

A. I just now stated it the best I could. The letter was written, and I suppose it will be offered in evidence. It is stated in that letter what I believed at the time I wrote it.

Mr. BROSIUS. In the face of that belief was the proposition made to you to obtain this information from the Pension Department?

A. Yes, sir.

Judge PAYSON. Had the exhibition of these letters and papers which Mr. Cooper showed to you, saying he had an inside way of getting information in this pension investigation—had that anything to do with your belief at that time?

A. No, sir; I can't say that it did. Mr. Cooper in speaking of those matters, told me what I told you he did about it, and as a fact I didn't know anything about the condition of the Pension Office. I didn't know anything about that. He told me these things as a fact, that the Pension Office was rotten, and it run right along there, the conversation did—that he was getting this information from employés, and he showed me these letters.

Mr. ENLOE. What were those letters?

A. One was a typewritten letter and another written in pencil.

Q. What did they contain?—A. I don't know what the contents were. He didn't read them.

Q. How did you know what was in them?—A. He said, "Here is a letter I have just got out of the office this morning, and from an employé of the Pension Office," and he went on to say he was getting these things right along from the Pension Office, and I saw on the back of the letter a mark which I have seen on communications I have received from the Pension Office.

Judge PAYSON. Why didn't you state this yesterday when you were asked to state in detail all you knew in connection with Mr. Cooper?

A. I started out to make a statement in regard to the facts, but was interrupted.

Q. I asked you to state in detail all that occurred between you and Mr. Cooper at his house.—A. Yes, sir; but I didn't think of this at the time.

Q. What do you mean when you say in this letter to Mr. Greenawalt, "If you think it advisable I desire you to acquaint Gen. Raum with the within facts and with this understanding, that he put someone on the track of Cooper in this line of business and see if other evidence can not be secured in this line. I am sure the country would not take well to such proceedings on his part," and so forth? Did you mean exactly what you wrote when you wrote that?—A. Yes, sir.

Q. Don't you know whatever the investigation was made with Mr. Cooper and Mr. Hersey so far as your connection with it was concerned, was it based on that letter?—A. I don't know how that is.

Q. I say as far as you know?—A. No, sir.

Q. Was it not written to Mr. Greenawalt in exactly the line as appears on the face of it?—A. If I remember the contents of the letter, at that time I wrote Mr. Greenawalt asking him about the call slips that I had left.

Q. I am not asking you about this outside matter. Did you have any intention of deceiving Gen. Raum or anyone in the office as to what you believed about Mr. Cooper or Mr. Hersey?—A. No, sir.

Q. You wrote that in good faith?—A. Yes, sir.

Q. You believed there was improper action on the part of Mr. Cooper and Mr. Hersey and that you thought it ought to be inquired into?—A. I thought that was an improper proposition.

Q. Just answer my question.

Mr. LIND. Isn't that an answer.

(Question read by reporter.)

Judge PAYSON. Didn't you as a citizen think that what they had done ought to be inquired into by the Pension Office?

A. Yes, sir; I did.

Q. Now, this letter was written at the time it bears date, the 26th of January?—A. Yes, sir.

Q. After the lapse of—well, about the 7th of February, didn't Mr. Greenawalt come to you at Bloomington, Ind., and at that time didn't you still have the idea that what they had proposed to do was improper?—A. Yes, sir.

Q. Didn't you so state to Mr. Greenawalt in that interview?—A. Yes, sir.

Q. Didn't you, in addition to it, in addition to what you wrote him in this letter, also inform him at that meeting about the statement Mr. Cooper made to you about his having inside uses of the office in getting information?—A. I told him about the suspicions and those letters, and Cooper's statement in connection with it.

Q. Then you are mistaken in your idea that the first you thought it was improper was when you received a letter from Mr. Hersey in regard to secrecy?—A. When I speak of this matter as being improper I have special reference to the relationship between Mr. Cooper and myself, that is, with reference to the transaction involving myself. It didn't look right to me. I thought when George took me over there?——

Judge PAYSON. What is that?

A. I made the statement that I thought it was improper. I have special reference to myself and Mr. Cooper. I thought it was improper for Mr. Cooper to make such a proposition as he did to me.

Q. Hadn't you anything in mind as to the impropriety on the part of Hersey in getting this information?—A. I took that as a part of his business. I didn't think they were making a specialty of myself.

Q. I am asking what your judgment was at the time you wrote this letter in regard to Mr. Hersey, as the private secretary of Mr. Cooper, getting information out of the Pension Bureau for pay. Did you think that was proper or improper?—A. I have said I thought it was improper.

Q. Didn't you so state on the 7th of February?—A. Yes, sir; I have already said so.

Q. Didn't Mr. Greenawalt tell you in that interview on the 7th of February, when he had this letter from you, that he had come in re-

sponse to this to talk it over with you and get the details of it as a special examiner of the Pension Bureau, and upon this letter?—A. That was his purpose; I don't remember what he said.

Q. Don't you know that that was his object, and his sole object, of that visit to you?—A. Yes, sir; certainly.

Q. You said yesterday, following this up so I can get it all straight. I understood yesterday that you didn't know him when he came to you to take this deposition; that he just came to you and you didn't know him at all. Didn't you know him before that?—A. I think Mr. Cooper introduced me to Mr. Greenawalt or somebody in the Pension Office; that was my impression of it; and when I went back there on the second day I made a request of Col. Lincoln or in Col. Lincoln's room for slips and he told me to go into the chief clerk's office, and I think Mr. Greenawalt furnished me the slips.

Q. Didn't you state yesterday that the first time you ever saw Greenawalt to know him was when he came and you put the $25 in the letter? Didn't you state that at that time?—A. If I did, I didn't remember.

Mr. DUNGAN. Don't you remember my asking you whether he walked in to you as a stranger and you said he did?

A. I don't remember that.

Judge PAYSON. Hadn't there been correspondence between you and Greenawalt?

A. Let me make an explanation in regard to Mr. Greenawalt.

The CHAIRMAN. Please answer the question.

Judge PAYSON. I will offer this letter in evidence, January 22, and read it to the committee so the committee can understand what Gen. Raum and the office acted upon.

Judge Payson reads the letter, as follows:

[James F. Morgan, attorney at law. Office: Bank building, up stairs.]

BLOOMINGTON, IND., *Jan.* 26, 1892.

J. G. GREENAWALT,
Washington, D. C.:

DEAR SIR: Permit me to thank you for your kindness in calling up the two pension cases I sent you a few days ago and causing the prompt response from the Hon. Commissioner of Pensions touching said matters. In the Cassell case I was not aware that he had only served about one month. He told me at the time I made his application that he served more than 90 days. In the Welch case I shall have him reexamined by his family physician and send his affidavit in on which I will ask that the case be reopened. I will also set up a new disability. Since his application under new law he has received a very bad injury in a railroad wreck which will now entitle him to a pension under said law. Again I thank you for your kindness in this matter and the courtesy you showed toward me while I was in Washington.

Permit me to drop the following to you in confidence. My rule in life has always been to attend to my own business and never "dabble" in anything which did not concern me; but when I was in Washington and already knowing as I did something concerning the fight that was being made on Gen. Raum and not knowing anything upon which I could claim either merit or demerit, as I had never given the matter any study or scarcely even a thought, but I say to you in confidence that I came away from Washington with a better knowledge of men and means touching this contemptible fight on Gen. Raum. Of conrse you are familiar with the old saying that a man who lives in a "glass house" ought not throw stones. While I said to you in Washington the Hon. G. W. Cooper has always been a personal friend of mine, as far as I knew, yet he attempted to do a thing with me while in Washington far more contemptible and more of a malfeasance than anything which he ever even accused Gen. Raum of. When I came to Washington, as you know, I had quite a number of pension claims which I desired to have called up. Knowing as I did the advantage of having them called up through some member of Congress, and Senator Voorhees, whom I intended to do this through, being out of the city, I mentioned the matter to Mr. Cooper, and he at once took me over into the city to a place called the Atlantic building and introduced me to a man whose name is Hershall, or something like that,

and informed him in my presence that I was in the city to look after or have some pension claims called up, and then turned to me and said if I had anything worth paying for the cases would be attended to. I was at a loss to know what to say, but finally told them I was not ready just then, but would call another day. *I never called.*

This occurred just after Cooper and I called at the Pension Office. I never called on Cooper after that while in Washington, and just yesterday I received a letter from Cooper in which he asks me why I "*slipped*" off without seeing him again. I take it that this is an unheard-of proceeding on the part of Cooper. I gathered from what that man Hershell said to me that it would cost me about $1.00 per case, and as I have 250 cases with me it would have cost me $250, about $225 more money than I had on my person, and of course under the present circumstances I could not very well invest just then. After this I determined to go to the Pension Office alone, stranger as I was, and do the best I could. I called on you next morning, as you remember, alone, and you kindly directed me how to proceed. There were two young boys present in Hershell's office when the above conversation occurred; they seemed to be clerks in Hershell's office.

If you think advisable I desire that you acquaint Gen. Raum with the above fact with this understanding: That he put some one on the track of Cooper in this line of business and see if other evidence can not be procured on this line. I am sure the country would not take well to such a proceeding on his part as this. These are cold facts and I give them to you as per understanding heretofore—in confidence with you and Gen. Raum.

Yours, respect.,

JAMES F. MORGAN.

Q. Now, what was the confidential understanding to which you refer to here?—A. I think that refers to a conversation I had with Mr. Greenawalt in the office.

Q. What was it?—A. I think it refers to the conversation.

Q. What was the conversation?—A. With reference to this information going out of the office to Mr. Cooper. I think that is what it refers to.

Q. Now, just tell us what the conversation was with you and Mr. Greenawalt, as you say, when you were in Washington. Give us in detail all you can.—A. While I was trying to fix up these slips in the chief clerk's office Mr. Greenawalt furnished me slips and I had a conversation, and I said to him there that I wanted to make these calls and I got into a conversation with him. And finally I mentioned the fact that there was information going out of the office to Mr. Cooper that was calculated, I supposed, to injure Gen. Raum. I think I told Mr. Greenawalt on that occasion all about those matters and what I said to Mr. Greenawalt was strictly confidential.

Q. Then at that time, as far back as when you were here in Washington, you believed Mr. Cooper himself and Mr. Hersey were acting improperly with reference to getting this information, or else why did you speak of it in a confidential way to Mr. Greenawalt?—A. I had reference to my own cases.

Q. Why did you think it was necessary to look into it?—A. As I said before, I was a constituent of Mr. Cooper and that was something I had done before and nobody asked me to pay any compensation for calling up cases for me or furnishing me any information, and so I thought it was wrong and if he was doing this same for other parties I thought that was wrong.

Q. Do you want the committee to understand that you thought it was the duty of a member of Congress to look after all the cases that came to him without any compensation whatever; simply a courtesy on his part to look up the cases and answer them?—A. Simply a matter of courtesy.

Q. Why do you say that it should be confidential that you talked with Mr. Greenawalt about Mr. Cooper if he simply declined to extend

the courtesy, when Mr. Cooper didn't do this and took you to a man that would do it for pay, you say you thought that was improper?—A. Let me make a statement in regard to that. I thought when Mr. Cooper took me to Mr. Hersey's office he would turn the matter over to him and it would be attended to the same as if he had attended to it himself.

Q. As a matter of courtesy?—A. Yes, sir.

Q. When he suggested to you that you should pay for it you were simply getting what you thought you were going to get as a matter of courtesy?—A. No, sir.

Q. There was no malfeasance in that, was there?—A. No, sir; I had this impression from the whole transaction—that this was a matter that was being done extensively through other parties.

Q. What made you think that?—A. I got it from what was said to me.

Q. By whom?—A. Mr. Cooper and Mr. Hersey.

Q. What was said by either one of them to lead you to think that?—A. I have already stated it was with reference to that matter.

Q. I have not heard you state anything about it being done for any other party except yourself. If anybody else was mentioned, state it to the committee.—A. Nothing else alluded to.

The CHAIRMAN. Only in your own case?

A. Yes, sir.

By Judge PAYSON:

Q. State to the committee why it was that you said to Mr. Greenawalt that you wanted that regarded as confidential if it was perfectly proper—only a breach of courtesy.—A. That had no reference to that matter at that time. He knew nothing about that. I have already said it had reference to a conversation I had with Mr. Greenawalt with reference to this information going out of the office.

The CHAIRMAN. That is what you mean?

A. Yes, sir.

Judge PAYSON. Information that was going from the Pension Office to Mr. Cooper in which he had stated to you that it came from the inside and that it was in an improper way?

A. Yes, sir.

Q. You think that is a malfeasance if true?—A. No, sir. After I went home and before I wrote that letter I had a conversation with Mr. Worrall in regard to the matter in which he said Mr. Hersey was doing some work for him and he was paying him a dollar a case. That conversation with Mr. Worrall was before I wrote that letter.

Judge PAYSON. That was the first information you had as to how much was to be paid for cases down there?

A. That is the first information I had that this business was being done with other parties, the same business proposed to me.

The CHAIRMAN. The question was as to whether that was the first information you had as to the price you were to pay per case?

A. I am not sure about that. I got the impression from either one of them that it was to be a dollar.

Mr. DUNGAN. He has not answered one question there yet that was in that letter—what he meant by a previous understanding.

A. The previous understanding refers to confidence in the conversation with Mr. Greenawalt in the Pension Office.

Judge PAYSON. Was Mr. Cooper present all the time you were with Mr. Hersey in the Atlantic building?

A. We left the building together.

Q. Were you together all the while?—A. Yes, sir.

Q. Now, in this letter you state to Mr. Greenawalt that the amount to be charged was $1 per case?—A. I said I got that impression.

Q. I will give you the language. You say in this letter, "I gain from what your man Hersey said to me that it would cost me about $1 per case and as I had about two hundred and fifty cases at least it would have cost me $250," and so forth. Was Mr. Cooper present when you were given to understand that?—A. He was there all the time during the whole conversation.

Q. All Mr. Greenawalt did for you when you were in Washington was in a kindly spirit in the office there, you not knowing how to get at the cases and he finding you there offered to assist you?—A. Yes, sir.

Q. Do you remember it being stated by Mr. Cooper when you were going down town that day that one of those letters came from a clerk in the law division?—A. Yes, sir; I think so.

Q. Was that the type-written letter?—A. Yes, sir; I think it was.

Q. Didn't you in talking with Mr. Greenawalt go on and say to him that Gen. Raum ought to be made acquainted with these facts?—A. Yes, sir; I did.

Q. When you say these facts you mean the means Mr. Cooper was using to obtain information against the Pension Bureau through clerks in its employ?—A. I meant the information he spoke of.

Q. You know nothing about the information that Mr. Cooper was getting from the Pension Office employés to be used against the Bureau except what he told you, did you?—A. No, sir.

Q. Were any names given to you in this conversation by Mr. Cooper as to who the parties were that were giving this information?—A. No, I think not.

Q. Didn't you write a letter to Mr. Greenawalt dated about the 15th of January of this year, in which you claimed certain persons as the persons who were giving this information to Mr. Cooper?—A. Yes, sir.

Q. Whom did you get those names from?

Mr. ENLOE. Is that letter in existence?

A. No, sir.

Q. What has become of it?

Judge PAYSON. I will tell you later in regard to that.

Mr. LITTLE. I want to ask the same question in regard to the letter of January 15 that I asked in regard to the letter of January 26—if you want the committee to understand in giving your testimony yesterday you had entirely forgotten that letter?

A. Yes, sir; until Judge Payson called my attention to it.

Judge PAYSON. Whom did you get the names from you wrote Mr. Greenawalt?

A. When we started over——

Q. Who?—A. Mr. Cooper and I. We had some conversation with reference to a visit to the Pension Office and what we might do there. This was the day before we went over there. That would be on Wednesday, and he told me he had some good friends there, and he said he wanted to take me and introduce me to a special friend of his, and I don't know whether he said who that special friend was. He spoke of Col. Lincoln as being a friend of his. He put it quite forcibly that they were warm friends, and he took me into his office and introduced me to Col. Lincoln and jokingly, as I thought, he said he would introduce me to Gen. Raum. I didn't think he would do that, but after we went

out of Col. Lincoln's room he took me right into Gen. Raum's room and I followed him in and he introduced me.

Mr. DUNGAN. Is Col. Lincoln the name you refer to?—A. Yes, sir; the second deputy.

Q. Is that the name Mr. Cooper intimated to you as furnishing him information?—A. I took it in that way. He said they were special friends and he put it quite forcibly.

Mr. ENLOE. That Mr. Lincoln was furnishing this information from the inside?

A. That was my inference.

Judge PAYSON. How came you to infer now that the names of the parties you sent to Mr. Greenawalt were the men who informed Mr. Cooper of these things in the office?

A. Well, I took it in the same connection, and that was the inference I drew.

Mr. ENLOE. What are the names of the men?

A. That is the only name I now remember; he spoke of his being a warm friend.

Judge PAYSON. I ask you to give the names to this committee which you furnished to Mr. Greenawalt in that letter as officers and employés of that Bureau. You have named one.

A. I want the record to show that I didn't intend to call that name, and I don't care to tell any other name.

The CHAIRMAN. The committee insists upon it.

A. I don't remember any other name Mr. Cooper gave me as a special friend.

Judge PAYSON. I want to know the names you wrote to Mr. Greenawalt as ones giving information to Mr. Cooper?

A. I don't think I wrote Mr. Greenawalt giving him names of parties who were giving information, because I didn't know. But I did give him the names of two who I knew were not in union with the office.

THE CHAIRMAN. Do you mean to say that Mr. Lincoln is not friendly to Commissioner Raum?

A. I don't know anything about that.

Q. You were furnishing names, you say, of those who were not friendly?—A. I was going to speak of another person whom I had a conversation with and it indicated to me that he was not friendly.

Q. Do you want the committee to understand that you sent the name of a man in the office who was unfriendly to the Commissioner?—A. I simply state the fact that Mr. Cooper had represented him as being a warm friend of his, and he spoke of Mr. Lincoln; and in this conversation when he was exhibiting those letters, when he said what I have already said in that conversation—in regard to Mr. Cooper's speaking of Mr. Lincoln being a very warm friend of his, in that conversation.

Mr. DUNGAN. When he had the letters in his hands?

A. When we were on the street car going over there. He had exhibited his letters to me before or after, I don't remember which.

Q. Was it in the same connection in talking of the letters and the information—was it in the same connection and that induced you to believe that Lincoln was one of the men?—A. I had that impression at the time.

Mr. ENLOE. And did you write that to Mr. Greenawalt?—A. I think I did.

Q. Let us have the other names now?—A. I don't remember but one other name, and that was Capt. Black, with whom I was acquainted while in the field, and it was during the time I was over there, and I

run across Capt. Black while there and had a conversation and told him what I was there for.

Mr. DUNGAN. Was Mr. Cooper with you?

A. No, sir; I was alone.

Q. Then you got that information direct?—A. Yes, sir.

Mr. ENLOE. Had Mr. Cooper anything to do with that?

A. No, sir.

Judge PAYSON. Now, do you still insist that you only named one name in your communication to Mr. Greenawalt on January 15?

A. I think I named two.

Q. Two persons engaged in furnishing information to Mr. Cooper?—A. I didn't put it in that way. I think I said I had that impression.

Q. Did't you inclose in that letter a slip as an independent paper, and on which you wrote the names of persons which you said were persons engaged in furnishing information to Mr. Cooper improperly from the Bureau. Didn't you write that and put it on a separate slip of paper?—A. I had this conversation with Mr. Greenawalt while here with reference to this information going out of the office to Mr. Cooper, and I said on this slip of paper some of the facts I knew in regard to matters in the Pension Office. In the first place, that Mr. Cooper said that Mr. Lincoln was a very warm friend of his, and he said that in a conversation in which he exhibited certain letters.

Mr. DUNGAN. This was on a slip?

A. No, sir; this was in a conversation, and I had a conversation with Capt. Black, and he said certain things to me which indicated he was not friendly to him, and he gave me to understand the same way.

Mr. DUNGAN. You are giving the substance of the letter?

A. I am stating the conversation between Capt. Black and myself now.

The CHAIRMAN. Did you tell that to Greenawalt?

A. His name was on the slip. The name of Capt. Black was on the slip I sent to Mr. Greenawalt.

Mr. ENLOE. What other name?

A. I don't remember now besides Col. Lincoln and Capt. Black.

Mr. GREENAWALT. I would just like to clear up this matter now. I can do it easily.

The CHAIRMAN. All right; you may ask the witness some questions if you wish.

By Mr. GREENAWALT:

Q. Don't you remember when you first came in there you told me you were a stranger from Indiana, and didn't know how to do business, and didn't know how to get at it to do it?—A. Yes, sir.

Q. And after I found out where your cases were located I took you into Col. Lincoln's room and introduced you to a gentleman there?—A. I don't remember now of ever going in there with you; that may be so, though.

Q. We came back, and I sat you down to a desk and gave you the attorney's call slip, and told you how to fill them out?—A. Yes, sir; that is true.

Q. You went away and came in again——

Mr. DUNGAN. The same day?

Mr. GREENAWALT. I can't say. He came in, and I think he said I had got what I want; I have got my things under way and I put my slips in, and they say they will be attended to. Is that true?

A. Yes, sir.

Q. Did you then state to me if you knew whom you were talking to, or if you could find some one you could confide in, you wanted to make some statement?—A. Yes, sir.

Q. Didn't I state to you then and there, Mr. Morgan, if this is anything connected with the office, I am an official, and it would be proper to state it to me?—A. Yes, sir.

Q. Didn't I state further that if it was anything in regard to politics that I am a Republican?—A. I remember you stating your politics.

Q. And didn't you then say that after you got home you felt you knew some things you thought Gen. Raum ought to know, and you did not feel like mixing up in it, but after you got home you would write me a letter?—A. It may be, but I don't remember that.

Q. After you got home did you write me a letter?—A. Yes, sir; I think so.

Q. Was anybody's name named to me in that communication as furnishing information from the office?—A. I think that I told you about Mr. Cooper exhibiting these letters to me in that connection and also what he said to me at that time. I think I said this to you. I expressed it as a matter of fact from Mr. Cooper that information was going from the office from employés to Mr. Cooper against Mr. Raum in the management of the Pension Office.

Q. Didn't you at that time state you had the names of several parties?—A. I may have done so.

Q. And that you would write me a letter after you got home giving me some information about it; that is, if you felt after you considered the matter that it was your duty to do so?—A. I don't remember that part of the conversation; but as a matter of fact I did write you.

Judge PAYSON. If that was not so how did you happen to write him immediately after you did get home and refer to this understanding?

A. What I had said to Mr. Greenawalt with reference to these matters and Mr. Cooper I said in confidence.

Q. I want your recollection as to what you said in that conversation to Mr. Greenawalt. You have said you named Mr. Lincoln in that conversation?—A. Yes, sir; I think so.

By Mr. GREENAWALT:

Q. And didn't you say that after you got home if you thought it was proper for you to do so you would write me?—A. I don't remember that.

Q. If you didn't do that how did you happen to write this letter after you had told in that conversation about these facts which you did tell me?—A. I didn't put him in possession of all the facts; I didn't say anything about this meeting in Cooper's office at that time.

Mr. GREENAWALT. No, sir; I know you didn't.

Judge PAYSON. Wasn't the whole of that conversation with Greenawalt based upon this fact: That Mr. Cooper was improperly getting information from employés in the Bureau to be used against the Bureau? Wasn't that the only subject?

A. Yes, sir; and it struck me as rather remarkable that persons in the employ of Gen. Raum would be sending out information against the general.

Mr. ENLOE. I want to ask you at that point if you regard it as a malfeasance in office for a clerk inside to tell what he knows about the office to a man investigating it?

A. I don't think the definition of the term would cover that case exactly.

The CHAIRMAN. That is not what you refer to in this letter where you refer to Cooper's malfeasance?

A. I refer to the information he was receiving?

Q. Is that what you refer to as his malfeasance?—A. Whether or not I referred to the information he was receiving?

Q. Yes, sir.—A. No, sir.

Mr. GREENAWALT. After you got home didn't you as a matter of fact—you left here about the 10th of January?

A. Yes, sir.

Q. Didn't you about the 15th of January write me a letter in which you gave me the name of certain employés which you had been informed were furnishing information to Mr. Cooper, Didn't you inclose that in your letter on a separate slip of paper?—A. I stated to you just what I have already said with reference to that.

Q. You wrote that letter?—A. Yes, sir.

Q. And you had a slip in it with some names on it?—A. Yes, sir.

The CHAIRMAN. Do you remember those names?

A. Yes, sir.

Q. Whose were they?—A. Black's and Lincoln's.

Q. Were those the only names?—A. I think so; yes, sir.

By Judge PAYSON:

Q. Now during this interview with Mr. Greenawalt, when it began, you didn't know who Mr. Greenawalt was?—A. No, sir.

Q. He came to you in the office and wanted to assist you?—A. Yes, sir; I didn't know him.

Q. After you left Washington, about the 10th of January, when was the first time after that you next saw him?—A. The 7th day of February.

Q. And he came to you in response to that letter of January 26, you believe?—A. Yes, sir.

Judge PAYSON. That is the letter I read of January 26.

Q. Didn't you also in that letter of January 15, in that slip of paper you sent to Mr. Greenawalt, didn't you also give the name of Capt. Fritts, of the Pension Office?—A. I don't remember that I did.

Q. Did you ever hear of him before?—A. O, yes; I am well acquainted with him. I remember that I had an idea that perhaps Fritts was furnishing information.

Q. To Mr. Cooper?—A. Yes, sir.

Q. How did you get that idea?—A. I based it on the friendship that existed between them. His name is James R. Fritts.

Q. And he was another one that you spoke of to Mr. Greenawalt whom you believed was furnishing information to Mr. Cooper?—A. I didn't say these parties were furnishing information, as a matter of fact; you seem to assume that I put it in that way. I didn't. I simply put it from the circumstances that Mr. Cooper spoke of Col. Lincoln as a warm friend of his, and in regard to Capt. Black from what he said. He said an outside attorney had no show as against attorneys who resided here in the city; that I would have to look sharp if I did myself any good.

The CHAIRMAN. Now, what did Fritts say?

Judge PAYSON. What is Black's position?

A. Special examiner in the office; that is, he was.

Q. Where is his home?—A. Here in the city.

Mr. DUNGAN. The witness was interrupted before he finished the conversation with Black. What else was said?—A. That was all.

The CHAIRMAN. Why did you suspect Fritts?

Mr. GREENAWALT. I would like to ask one more question. Mr. Black had been a special examiner in your district?

A. Yes, sir.

Q. You knew him there as a special examiner?—A. Yes, sir.

The CHAIRMAN. Now tell us about Fritts?

A. The only thing I knew about Fritts was he was a friend of Cooper's and from that district.

Q. And for that reason you suspected him?—A. Yes, sir.

Judge PAYSON. This letter of January 15 was to convey to Mr. Greenawalt the idea that Gen. Raum ought to be made acquainted with the facts as to how Mr. Cooper was obtaining information, and improperly from the office against Gen. Raum in this investigation?

A. Yes, sir; I knew from what Mr. Cooper said to me that the information was going out from the office, and that Gen. Raum ought to know.

Q. Now, as to all that occurred between you and Mr. Greenawalt at that meeting you had on the 7th of February in your town. Mr. Greenawalt came to you with this letter?—A. Yes, sir.

Q. The letter of January 26?—A. If he brought the letter, I don't remember that.

Q. It was in response to the letter?—A. He came after receiving the letter.

Q. Didn't you understand it was in response to the suggestion contained in this letter that he came to see what there was about it?—A. I didn't know that Mr. Greenawalt came directly to see me. He was already in the field making examinations.

Q. But the first personal visit to you so far as you know was with reference to this letter?—A. I have said he had no other object.

Q. What is the first thing said by him to you, if you remember? And go on in detail and state what you said to him, giving the whole conversation and taking your own time to do it.—A. He came there, he said, for the purpose of having a talk with me in regard to the matter, and in that conversation he told me that all I had written was not the first information that the office had of work of that kind.

Judge PAYSON. As to Hersey?

A. Yes, sir. He went on to state that the office had information that Mr. Hersey was doing quite an extensive business in Ohio, Illinois, and perhaps Michigan, in calling up cases, and, as he believed, was charging compensation for them extensively, and that he was investigating the matter. I related to Mr. Greenawalt the conversation that had occurred between Mr. Cooper and myself here in Washington; told him the whole story, as is given in that letter, and as is given in my affidavit, and he made the suggestion then to me after I had told him about Mr. Cooper's taking me to Mr. Hersey's office, and saying to me that if I had anything worth paying for Mr. Hersey would attend to it; and he suggested that I send some cases.

By Mr. PAYSON:

Q. Do you know whether they were doing this thing or not?—A. They did not say whether they were doing this thing or not. He requested me to prepare twenty-five slips—twenty-five cases—and I did so. Mr. Greenawalt took a copy of those twenty-five slips. It is a hard matter for me to remember all these things; so, at his suggestion, these twenty-five slips were mailed to Mr. Cooper. I also inclosed a letter in which I called Mr. Cooper's attention to the conversation that I had

had with him in Mr. Hersey's office, and I also in that letter agreed to pay compensation for information touching these cases.

Q. The letter will show that fact. I am asking you now about the conversation that you had then. Now, at the time, did not Mr. Greenawalt tell you that he was an agent of the Pension Office, and that if this thing was being done that it was a violation of the rules, which was a reprehensible thing on the part of Hersey or anybody connected with that gentleman?—A. Yes, sir.

Q. Is not this the way it was: When you understood that you were doing this in an illegal or reprehensible way you stopped it?—A. Yes, sir; I did not think it was proper for me to do so.

Q. Then you must be mistaken in what you said yesterday from the information which you had, that this thing was perhaps improper on the part of Hersey, and that you received two or three letters from Mr. Hersey in which he insisted that it should be confidential, or in a postscript to a business letter. You must be mistaken about that?—A. Well, as I said before, I think it was improper, and furthermore, if this was being done extensively and soldiers were being bled in that way, I thought it was an improper thing and ought to be investigated.

Q. In a general way will you state this, Mr. Morgan: During all that you did, from the first inception of this down to the conclusion of it, were you sincere in your belief as you expressed it to Mr. Greenawalt, and in the further communications that you may have had with Mr. Hersey and Mr. Cooper, that you thought it was reprehensible? Were you sincere in that belief?—A. Yes; more so, after I had a conversation in which he said to me that the office had information that this was being done extensively.

Q. Mr. Greenawalt, you mean?—A. Mr. Greenawalt.

Q. That was the conversation, the effect of it, was it?—A. Yes, sir.

Q. As a matter of fact all you did of this business was after February 7?—A. Yes, sir.

Q. You did not, as a matter of fact, send in any call slips until after that time?—A. I did not.

Q. And believed it was reprehensible and improper, and as a good citizen you were willing to aid in that business?—A. Yes, sir; up to that time I had refrained from having anything to do with this business after making that kind of a proposition.

Q. Between Hersey and Cooper?—A. Yes, sir.

Q. Now, why did not you frankly state all this yesterday?—A. Well, I got lost in this matter.

Q. Let me ask you a question directly upon this matter. Did you not feel yesterday that you had better let up on Cooper a little, rather than have his friends go back on you if you should tell the whole full story?—A. I came in here yesterday rather hurriedly. I rushed in here, and I wanted to testify and get away from here as quickly as possible. I was asked questions here touching this matter, and in the absence of these letters, that I have not paid much attention to, in fact I have not given it much attention anyhow, I was inclined to get mixed up in regard to the matter before my memory was refreshed in regard to this other correspondence, and other letters, and this letter which has been introduced here, I have not thought about them at all. As soon as I arrived in Washington my attention was called to it yesterday evening.

Q. You do not answer the question.—A. Yes, sir.

By Mr. ENLOE:

Q. You knew you were coming here to testify when you left home?—A. Yes.

Q. And it took you three days to come?—A. Yes, sir.

Q. I do not think there was any hurry about that.—A. When I left home my wife was sick, and I am in a hurry to get back.

By Mr. PAYSON:

Q. Did you bring any of this correspondence or letters with you?—A. I did not.

Q. Knowing that you were coming as a witness you did not bring any papers with you?—A. If I had known how hurried my examination——

Q. No matter how hurried your examination may have been. Up to the time that you came on the stand yesterday you had the same belief as to Mr. Cooper's reprehensible connection with his business as you before had?—A. Well, I say——

Q. Up to the time you got on the stand, as a matter of fact you believed that Mr. Cooper's connection with this business was reprehensible?—A. I want to say this——

Q. No; just answer the question.—A. I want to say this: I think I am entitled to say this.

Q. You are entitled to make an explanation.—A. I want to say this——

Q. But you must answer the question first. My question is: If you did not have the same belief in Mr. Cooper's position—that it was reprehensible in this whole business—when you got on the stand yesterday that you had when you talked with Mr. Greenawalt about it in your conversation on the 7th day of February?—A. The transaction that occurred in the office there was calculated to be.

Q. I agree with you.—A. What was your construction of it?

Q. That it was reprehensible. My construction is that it was.—A. If it was reprehensible, then it is my belief to-day that it is the same.

Q. When you took the stand yesterday here you believed what Mr. Cooper and Mr. Hersey had been doing was reprehensible?—A. As a matter of belief, it was.

Q. Now, do you want this committee to understand that you are testifying as to the same belief that you gave them to understand yesterday?—A. I am; that is my belief, sir.

Q. Did you endeavor to impress that belief upon the committee yesterday?—A. I endeavored as best I could yesterday to tell the committee the facts about the conversation which Mr. Cooper and myself had in Mr. Hersey's office.

Q. Did you not say yesterday, in answer to a question asked you by Mr. Enloe, that you did not think Mr. Cooper meant to do anything wrong? Did you not venture that statement in your testimony yesterday?—A. Yesterday, when Mr. Cooper asked me over there, I did not think he was.

Q. You did not think that Mr. Cooper intended anything wrong when he took you to Hersey's office?—A. I did not think so.

Q. Did you not testify that you believed he was guilty of reprehensible conduct?—A. As soon as Mr. Cooper made the remark to me that this business would be attended to if compensation was paid by me, then I thought it was wrong.

Q. That is not what I am asking you. I am asking you about your position as a witness yesterday. You say in your judgement as a witness—your present judgement—that you did not think yesterday, when you were testifying, that Mr. Cooper had done anything wrong. Did you not say that?—A. Up to the point of arriving at the office that

was my belief, and if I said anything to the contrary on yesterday I did not intend to convey that impression.

Q. Is it not a fact that you determined upon the stand here yesterday, after you saw Mr. Cooper, that in your testimony here, from the standpoint that you occupy and that from the fact that you are a candidate for a nomination, and as Mr. Cooper has a number of friends out there, that you would probably let him down easily?—A. O, no.

Q. Have you not stated something of that sort since you have been here in this city?—A. Well, I have said this, that I did not want to be detained here on the witness stand in regard to this matter; that I simply wanted to testify to the facts in regard to this case.

Q. Did you not state in conversation with some person in this city, that the reason you spoke easily about Mr. Cooper yesterday and kind of let him out of this was because you wanted to let him out as easily as you could, in order not to get the dislike of some of his friends who are political supporters of yours, you being a candidate for the nomination of istrict attorney in your county?—A. I did not. I am here for the purpose of telling the truth as far as I know.

Q. What time did you arrive here yesterday?—A. I arrived here somewhere between 3 and 2 o'clock.

Q. What road did you come?—A. The Baltimore and Ohio.

Q. Did you come from the depot here?—A. Directly to the office.

Q. Did you meet anybody you knew before you got into this room?—A. I met you first.

Q. Did not meet anybody outside that you knew?—A. No, sir.

Q. Did you not say to the committee yesterday that you received a telegram telling you of the illness of your wife, and that you wanted to return home?—A. Yes, sir.

Q. Where is that telegram?—A. I have not got it.

By the CHAIRMAN:

Q. Did you get one?—A. Yes, sir.

Q. What office?—A. I got it at the hotel.

By Mr. DUGAN:

Q. What line did it come over?—A. I do not know what line.

Q. Where did you get it?—A. At Willard's Hotel.

Q. At the telegraph office in the hotel?—A. Yes, sir.

Q. Did you not say that you came directly from the depot here?—A. Yes, sir.

By Mr. PAYSON:

Q. You got it at the Willard's Hotel?—A. Yes, sir.

Q. Was not it long after this committee had adjourned, away along in the evening, after the committee had adjourned, that you left the Capitol and went down town?—A. As I stated to the committee yesterday ——.

Q. Answer the question. Do not answer anything else. Were you at any time at Willard's Hotel yesterday prior to the adjournment of this committee? After that you went out and went down town?—A. Yes, sir.

Q. Did you not inquire of me as to where there was a good hotel where you could stay?—A. I had not been to a hotel when I saw you.

Q. What do you mean by saying here that you got a telegram before you came up here?—A. That I ——.

Q. I asked you, and the chairman of the committee asked you, if you

got any response to this telegram, because I wanted to see if you had gotten a telegram telling you that your wife was lying at the point of death.—A. Yes, sir.

Q. You got a telegram?—A. I said this, that when I left my wife at home that she was sick when I left there.

Q. Did you not request the chairman of this committee to close your examination yesterday, because you had received a telegram from your wife stating that the condition of her health was such that you ought to be there in the name of humanity?—A. I did say that my wife was sick.

Q. I asked you what did you say about the telegram?—A. I did say to the committee that I had a telegram.

By the CHAIRMAN:

Q. Did not you say so to him?—A. Yes, sir.

Q. Did you have such a telegram?—A. I did not.

Q. You were lying about it?—A. I wanted to get away.

Q. I asked you if you were not lying about it?—A. I did not suppose I was testifying when I came in here. I misrepresented it.

Q. Did you lie about it?—A. I was anxious to get back home.

By Mr. PAYSON:

Q. Why were you so anxious to get back home?—A. My wife was sick, and I wanted to get back. That is a fact, though, gentlemen, that I did leave my wife sick.

By the CHAIRMAN:

Q. Would you ask us to believe it now, after you lied about the telegram?—A. That is a fact.

Q. Do you ask us to believe it?—A. No, I do not. I do not think I should; I do not understand that I stated under oath that I had a telegram.

Q. You were under oath from the time you were sworn here up to the time you are discharged.—A. I did not know it, sir.

By Mr. BROSIUS:

Q. You are a candidate for State's attorney out there in Indiana?—A. Yes, sir.

By Mr. PAYSON:

Q. How long have you lived in the county where you now live?—A. All my life.

Q. What has been your business there?—A. Well, sir, I have been a practicing attorney.

Q. For how many years?—A. Ten years. I have been deputy prosecuting attorney for my county.

Q. For how many years?—A. Two years.

Q. Have you held any other official position than that?—A. Justice of the peace.

Q. How long?—A. Part of the time by appointment. Then I was elected, and served a short time and resigned. I served, I guess, two or three years in that capacity.

Q. There is a question that I want to ask: Was not your position socially and officially, among your neighbors and friends in your locality, such as would justify, in your judgment, any reasonable man in placing reliance in solemn statements that you would make? Do you not think it was?—A. Yes, sir.

By Mr. BROSIUS:

Q. You say you have practiced law—for how long?—A. For ten years.

Q. How long have you been employed in the practice which you have been employed in here for the last hour or two?

Mr. LIND. I object to the question.

A. What do you mean?

Q. I withdraw the question.

By Mr. ENLOE:

Q. When did you arrive in the city, Mr. Morgan?—A. Between 2:30 and 3 o'clock.

Q. Where did you go to after you arrived in the city?—A. I came directly to the Capitol.

Q. You came as a witness? You had no consultation with anybody before testifying?—A. Without consultation with anybody.

Q. Where did you go last night after you left here?—A. I left here with Judge Payson, and I walked down the street. I made some inquiry about a place to stop—as to where the Willard's Hotel was, and I left him and stepped across the street to a restaurant and got a lunch and then I went over to the Willard's and remained there.

Q. You stopped at the Willard's Hotel?—A. Yes, sir.

Q. Spent the night there last night?—A. Yes, sir.

Y. Did you go anywhere else than the Willard's Hotel last night?—A. I did not. I remained at the hotel. I did step out to a drug store and get some quinine capsules, and went back and staid there at the hotel.

Q. Did you have any consultation at Willard's Hotel with Mr. Payson last night?—A. No; I did not.

Q. Did you have any with Mr. Greenawalt?—A. Yes; I did with Mr. Greenawalt.

Q. Did he come down and call on you at the Willard?—A. Yes, sir.

Q. You did not see the Commissioner of Pensions last night?—A. No, sir.

Q. Did not go to his house?—A. No, sir.

Q. Well, did he call on you?—A. No, sir; I sent for Mr. Greenawalt to come to see me.

Q. You sent for him?—A. And I told Mr. Greenawalt last night about leaving my wife sick at home, and I would like to be excused. I understood that that side of the committee was willing to excuse me, and I would like to be excused, and for him to make a request of Judge Payson, unless he desired for me to testify further.

Q. Now, yesterday, when I asked you in regard to your letters which you wrote to Mr. Hersey, care of Mr. Cooper, do you remember that you said at the time you wrote those letters that you did not know where Mr. Hersey's office was?—A. Yes; at that time I did not know.

Q. Now, that was on February the 8th?—A. Yes.

Q. Now, had not Mr. Greenawalt seen you on February 7th?—A. Yes.

Q. You wrote this letter the next day, then?—A. Yes, sir.

Q. Did you not say yesterday that the first letter you wrote to Mr. Cooper on this subject after you found out what was going on between him and Hersey, was on the 27th of February?—A. That is the correction that I asked leave to make, that it was the 7th instead of the 27th.

Q. You stated then that you wrote that letter at the dictation of Mr. Greenawalt?—A. Yes, sir.

Q. And that you wrote it for the purpose of connecting Cooper with Mr. Hersey in this transaction, which you thought was illegitimate?—A. Well, that was the purpose.

Q. You stated you took the letter to the post-office or went with Mr. Greenawalt and you mailed that letter and registered it?—A. Yes, sir.

Q. So as to bring the possession of the money directly home to Mr. Cooper?—A. Yes, sir.

Q. And you stated that that was the first time you wrote any letter looking to connect Mr. Cooper with this matter?—A. I do not remember just what I said on that point, but that was my impression at the time.

Q. I ask you the question if you did not write this as a decoy letter and addressed it to the care of Mr. Cooper, knowing Mr. Hersey's address at that time? Did you not say you did not?—A. I did not know Mr. Hersey's address.

Q. Did you not say then that Mr. Greenawalt told you on February 7?—A. That was the first letter. That is the letter containing the twenty-five cases. This was the first letter that was written.

Q. That was the first letter you wrote, then, to Mr. Hersey, in the care of Mr. Cooper. Why do you exhibit a letter here in this deposition, dated February 8, that is addressed to Hon. George W. Cooper, and in that I call your attention to the language you used.

I will pay such compensation as is proper for the status of these claims. I would have written direct to your man Hersey, but I did not get his address.

That is February 8?—A. That is the letter that contained the twenty-five cases.

Q. That contained twenty-five slips, but did not contain $25?—A. No, sir.

Q. You denied yesterday that you knew anything about the improper relations between Hersey and Cooper at the time you wrote that letter?—A. I did not.

Q. You did not deny that yesterday?—A. Mr. Greenawalt said he did not know his number when he was there.

Q. But you knew his office was in the Atlantic building?—A. Well, I knew that when Mr. Cooper took me over there. He told me that his office was in the Atlantic building.

Q. Do you not remember that on yesterday I asked you if you did not remember where Mr. Hersey's office was, because you had mentioned in your affidavit that it was in the Atlantic building, and did you not say that you had forgotten about that until Mr. Greenawalt called your attention to it?—A. I do.

Q. Well, now, Mr. Greenawalt had this interview with you on the 7th of February, and you wrote this letter the very next day. Did you not write that letter as a decoy?—A. Yes, sir.

Q. And in this whole correspondence, that you admit was written for the purpose of decoying him, you were acting the part of a decoy to betray Mr. Cooper, pretending to be his friend?—A. I said so yesterday.

Q. You stated that yesterday, did you?—A. Yes, sir.

Q. Now, do you recollect what you said yesterday?—A. I said to the committee that that was the purpose of the whole correspondence.

Q. You said that yesterday?—A. Yes, sir,

Q. Do you swear to that to-day?—A. That is what I mean.

Q. That is what you mean?—A. Yes, sir.

Q. Now, if you said to the contrary, you did not tell the truth, did you?—A. I was mistaken about it.

Q. You did not wilfully misrepresent the facts?—A. No; I am trying to give the committee the facts all through.

Q. Did you try to yesterday?—A. Yes, sir.

Q. You had forgotten that you had ever met Mr. Greenawalt yesterday, that you remembered. Did you not testify to that yesterday?—A. I do not remember just what I said on that question, but I remember that I was mistaken as to the time he came out there, and as to the first meeting.

Q. Did you not say yesterday that you did not have any recollection of ever having met Mr. Greenawalt before he called on you on the 27th day of February?—A. I said to the committee yesterday that I thought Mr. Cooper introduced me to Mr. Greenawalt in the office there.

Q. But you said that if Mr. Cooper did not introduce you to Mr. Greenawalt, that you do not remember when you met him?—A. When I spoke of the first meeting. That is what I meant to say. I think it was on the 27th of February.

Q. But, do you not know that you did not make the acquaintance of Mr. Greenawalt through Mr. Cooper? When you testified here yesterday you knew that you went there and represented to Mr. Greenawalt that you were a stranger here from Indiana?—A. Yes, sir.

Q. And you made his acquaintance under those circumstances?—A. I may be wrong about that. I have the impression that Mr. Cooper introduced me to Mr. Greenawalt.

Q. You still have that impression?—A. Yes, but I may still be mistaken.

Q. You do not think that you stated the truth about your going and representing yourself to him as coming from Indiana, and asking his help to call up pension cases?—A. I did that. I stated all that to Mr. Greenawalt.

Q. And you still think now that Mr. Cooper introduced you to him, do you?—A. That is my impression.

By Mr. COOPER:

Q. You were a stranger to him, when you went there and made his acquaintance and found out where he was from, and told him what you wanted—that you were a stranger in need of help, not knowing how to call up your pension claims?—A. I remember saying that I was a stranger, and stating that I was a pension attorney, and that I would like to have some assistance and some information as to how to proceed to call up pension cases. I remember that.

Q. Now, you say in your letter:

> Permit me to thank you for your kindness in calling up the two pension cases I sent you, and causing the prompt response from the honorable Commissioner touching said matters.

Did you make any arrangement with Mr. Greenawalt while you were here to look after your pension matters in the Pension Office, and have them attended to?—A. No; after I went home I had two cases—one I remember was the case of David Wilty, and the other was Mr. Cassel.

Q. Never mind that. I want to know if you made any arrangement with Mr. Greenawalt to call up your cases in the Pension Office, and see that your pension business was attended to?—A. No, sir.

Q. Why did you refer to these cases in you letter? You say that you sent these cases in a former letter?—A. I wrote two official letters to Gen. Raum with reference to these claims, and one to Mr. Greenawalt, asking him to turn them over to Gen. Raum.

By Mr. ENLOE:

Q. Now, is this the letter that Mr. Cooper showed you at that time, giving you the information which he was getting from the inside of the Pension Office? Do you recognize that as one of the letters?—A. No, I do not. I do not recognize that.

Q. Now, you state you do not know where Mr. Hersey's address was, and here you state in this letter of January 26 that you knew where his address was, because you say in that that Mr. Cooper carried you to the Atlantic building and introduced you to Mr. Hersey?—A. Never at any time have I had his post-office number.

Q. You knew where he was; you knew what building he was in; you knew where he was all the time, did not you?—A. No, not all the time. I had forgotten. I did not remember that.

Q. Did you not say yesterday that Mr. Worrell was the man who told you where he was?—A. He spoke about the Atlantic building. He never——

Q. Then did not you say afterwards it was Mr. Greenawalt who first told you?—A. I did not say that Mr. Worrell was the first to tell me. Mr. Cooper was the first to tell me.

Q. Now, did you not say at one time that it was Mr. Worrell, at another time it was Mr. Greenawalt, and at another time Mr. Cooper who told you?—A. Somewhere along the line. Mr. Worrell also mentioned it.

Q. As a matter of fact, it appears from this letter that on January 26 you had this information, without consulting Mr. Worrell, or Mr. Greenawalt either. Did you not misrepresent the fact in both instances, and knew it all the time?—A. All I can say as to that is that Mr. Cooper told me the name of the place, and then it dropped out of my memory, and somebody else along the line called my attention to it and mentioned the place. I remember that.

Q. I will ask you about another matter that you have mentioned here. You stated yesterday that you did not know what the compensation was that you expected to pay Mr. Hersey, and you went further and said in this letter of January 26, now, that you do not seem to know was in existence—

I gathered from what that man Hershell said to me that it would cost me about $1 per case, and as I had two hundred and fifty cases with me it would have cost me $250, about $225 more money than I had on my person, and of course under the present circumstances I could not very well invest just then.

When you testified yesterday that you did not know until you went out there, and Mr. Hersey told you what the compensation was, you testified falsely did you not?—A. No; I say yet I got the impression somewhere.

Q. You say here that you got it from Mr. Hersey in your letter?—A. That is what I say. I have the impression that the compensation was $1 a case.

Q. You did not know what it was to be until Mr. Hersey and Mr. Worrell told you?—A. No, sir; I said this to the committee, that I saw Mr. Worrell, and he said that he paid him $1 a case. I said, furthermore that I did not know that I would have anything to do with that; any contract I would make with Mr. Hersey, it would have to be an entirely different matter.

Q. Now, here in the last paragraph, you say: "These are cold facts, and I give them to you, understand, in confidence." You did not see Gen. Raum after the day Mr. Cooper introduced you to him, or on any former occasion?—A. I never have seen Gen. Raum since the time Mr. Cooper introduced me.

Q. Then you do not refer to any confidential relations that had been established between you, Mr. Greenawalt, and Mr. Raum in regard to this matter?—A. That confidential part there refers to the conversation which I had with Mr. Greenawalt, in which I told him that I had it from Mr. Cooper, that information was being furnished by employés of the Pension Office.

Q. Did you not go away from here with the understanding between you and Mr. Greenawalt that you were to go back out there, and were to get out this story which you have furnished here, which has been filed by the Commissioner of Pensions for the purpose of connecting Mr. Cooper with this scandal?—A. No, sir; there was no agreement at all. The agreement was not entered at that time. I did not even see Mr. Greenawalt while I was here.

Q. Did you not make up your mind to enter into an agreement on the 7th of February? You then agreed to it, did you not?—A. The 7th of February—that was the time when he came to Bloomington to see me.

Q. As per understanding you made heretofore—who was that understanding with?—A. That was an understanding with Mr. Greenawalt.

Q. Now, you refer in this letter here to a certain state of facts which were given under an agreement which you allege existed at that time, or understanding between you and Mr. Greenawalt?—A. What I said to Mr. Greenawalt was in confidence with reference to this information that Mr. Cooper was getting from the Pension Office, when I gave him that information on the 26th of January. I wound up by saying "I gave you this information for the first time, now as per agreement, and it is to be confidential."

Q. You agreed then to give him this information before, but what is the reason you mentioned Gen. Raum in here, as though there was an understanding with him and confidential relations established between you and Gen. Raum about it?—A. There was no understanding between Mr. Raum and myself.

Q. Did you not understand from your conversation with Mr. Greenawalt that Gen. Raum was anxious to connect Mr. Cooper with this improper transaction, and did not you go out there for the purpose of trying to arrange it so as to entangle Mr. Cooper?—A. No; I never thought of anything of the kind—of entering into any arrangement of that kind—until Mr. Greenawalt came out there. Of course, I gave them all the information I had. That is all I did.

Q. Your memory is not very good; is it?—A. Well, I do not consider that I have a bad memory.

Q. Do not think you have a bad one?—A. No, sir.

Q. You did not leave it at home, did you?—A. After this correspondence first began——

Q. I just want to ask you if you have a pretty good memory?—A. I think I have a pretty fair memory.

Q. Do you attribute your statements, your testimony here, to your failure of memory or to moral obliquity?—A. It is a conglomeration of this correspondence.

Q. You were asked a question by Judge Payson if your standing at home among the people where you are acquainted is not such as to justify pension officials in placing confidence in you in this manner. Did you not answer some such questions?—A. Yes, sir.

Q. Have you ever been indicted?—A. Never, in my life.

Q. Never was indicted?—A. I never was in my life.

Q. Were you ever arraigned before a court?—A. I never was in my

life. I never had a charge against me in any court in my life, I am glad to say.

Q. Have you not told a story that you were once indicted since your marriage for bastardy in the courts of Indiana?—A. No, sir. I had a case of that kind against me, but my father compromised it for me. I never was arrested or even had a charge filed against me.

Q. How much did your father pay?—A. That has been a long time—fifteen years ago—when I was a wild boy.

Q. After you were married?—A. O, no; before I was married.

Q. Before you were married?—A. Yes, sir.

Q. You have joined the church since then, have you not?—A. Yes, sir.

Q. And you belong to the same church that Mr. Cooper does?—A. I do; yes, sir.

Q. Did any feeling that you may have manifested toward Mr. Cooper in this matter grow out of the fact that Mr. Cooper had introduced a bill to remove the charge of desertion from your father's record, and he wrote to you that he had very little confidence in being able to get the bill through?—A. I never have received any communication from Mr. Cooper in which he said he would have any difficulty. When I arrived at home I received this kind of a letter from Mr. Cooper. The first sentence of the letter was: "Why did you slip off without seeing me?" And then he went on to say: "You did not give me sufficient facts in your pension case to enable me to draw up the bill." So I then answered the letter, and gave Mr. Cooper the facts, the day of enlistment, the date of discharge, and from that time I have not heard anything from him.

By Mr. COOPER:

Q. Did you ask me afterwards, in a letter, what progress I was making with the two bills that I introduced for you, one for William G. Alexander, an old war claim, and the other for your father, and did I not tell you in reply to that, that I had succeeded in getting a favorable report on the first bill for William G. Alexander, but as to your father's bill the Committee on Military Affairs was very strict in regard to removing disabilities, etc., and correcting military records, and that I did not succeed with that so well?—A. No; if I ever got any communication of that kind from you I do not remember it. I do not think I did. The only thing I heard from you with reference to Mr. Alexander's claim was through Mr. Core.

By Mr. ENLOE:

Q. You remember that you testified yesterday before the committee that you did not believe that Mr. Cooper had any improper connection with this matter at all, at the time when you were here in Washington city?—A. I said that at the time he took me over there, I did not.

After the conclusion of the testimony of James F. Morgan the committee went into executive session and passed the following resolution, to be addressed to the honorable Secretary of the Interior:

In view of the fact that one James F. Morgan, of Bloomington, Ind., who is a practicing attorney before the Interior Department, has been before this committee and testified as a witness, we feel in duty bound to acquaint you with the fact that his evidence was of such character that, in our judgment, it merits your immediate attention, and we submit a copy thereof herewith.

Very respectfully,

H. H. WHEELER.
JOSEPH J. LITTLE.
IRVINE DUNGAN.
MARRIOT BROSIUS.
JOHN LIND.

Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.

TESTIMONY OF J. C. GREENAWALT.

J. C. GREENAWALT, sworn and examined:

The WITNESS. I will state now that my first connection with this whole business commences with my acquaintance with Mr. Morgan. In January Mr. Morgan came into the room of the chief clerk of the Pension Bureau. I was assisting the chief clerk, and he stated while he was there that he was an attorney, and had had no experience in pension matters, but he desired to call up some claims. After questioning him as to his recollection of the claims, I found that their status would mostly have to be obtained from Col. Lincoln. I took him in there and introduced him to Mr. Compton, who is the clerk in that room, and Mr. Compton, who looks after attorneys and others, took him back into the chief clerk's room and gave him some attorney's slips, and let him fill them up with the names of the cases he wanted to call up and then bring them in. When that was done Mr. Morgan came back to me, either that same day or the next day, and had some conversation with me in regard to cases and the delay attending the settlement of them. He then wound up by saying that he had learned some things since he came to Washington that surprised him, and he felt that if he knew to whom he was talking he could give me some information that he thought would be of value to the office; and then I stated that if it was in connection with the business of the office that I was the proper person to receive any information; and I would call it to the attention of the proper person.

Finally I said, however: "Mr. Morgan, if there is anything political in what you want to say I want you to understand that I am a Republican." "Well," he says, "it is not political—not at all. It is connected with this attack on Gen. Raum." And he said, "I do not know whether I ought to say anything about it; I do not think I ought to get mixed up in it." Now, I can not say whether it was at that meeting here or not, but before he left the city he said that he would write me a letter as soon as he got home. He said, "I will give you some information, which I think the Commissioner ought to know, if I think by that time I ought to do so." He then wrote me. I can not remember the date of the letter. I have not got the letter. He wrote me, stating the facts as narrated here by me in connection with some other matters. Mr. Morgan showed me some letters—one was a typewritten letter which Mr. Morgan stated at the time that he did not think there was any signature attached to it; and he also brought some other letters of Mr. Cooper, stating "that is the way I got my information from the Pension Office." Now, I think it was in the letter that Mr. Morgan stated the names of some of the parties who were furnishing information.

By Mr. PAYSON:

Q. Letter on a slip inclosing a letter?—A. On a separate slip of paper in this letter. The names that he mentioned in his testimony were on that slip. The letter stated that this information could be shown to Gen. Raum; that he intended it for Gen. Raum's information.

Q. How did he have your address so that he could write you?—A. When Mr. Morgan left the office I gave him my card, the same card that I have given the committee—my official business card. At the instance of the Commissioner I responded to Mr. Morgan, acknowledging the receipt of this letter containing the facts in regard to some persons. Gen. Raum knew, or he had been informed from other sources,

that some of these parties had been furnishing information to the committee or to Mr. Cooper. That is about all that was said in that letter in response. There is a copy of it, I think, on file. But I am not sure about that, however. The next letter I received from Mr. Morgan was dated about the 15th or 18th of January, in which he took exception to a report of an interview which Mr. Cooper was said to have had with Gen. Raum, which was published in the Chicago Herald; and he stated he thought that Mr. Cooper had taken advantage of it and had injured his prospects in the Pension Office by taking him up there and introducing him, and then coupling him with this interview, as reported in the Herald.

Mr. COOPER. Did he inclose a copy of it?

A. He said he had not seen the article in the Herald. I do not remember that I answered that letter. If I did I have no recollection of it. There was nothing official in it. I think I showed it to Gen. Raum. The next letter that I got from Mr. Morgan was in regard to these two claims. He wrote me a letter inclosing an official letter addressed to Gen. Raum stating that he believed a very grave injustice had been done in rejecting one of these claims at least, and a mistake in rejecting the other. I immediately took that letter to Gen. Raum and he told me to call those cases down and let Mr. Morgan know why the action of the office had been that way.

By Mr. ENLOE:

Q. About what date?—A. The indorsement on the jacket, which I made in my own handwriting, was on the 23d day of January, 1892. There are the cases and there are the indorsements in my own handwriting upon those cases. That was official, and then the next letter that I got was the one in this here—that letter there.

Q. What became of the letter of the 15th of January?—A. I destroyed that letter.

Q. Why?—A. Because I considered it of no importance. We had that information from other sources, and I just destroyed it and threw it in the waste paper basket after I had shown it to Gen. Raum.

Q. Did not that paper contain some reference that you did not want to come to light in this investigation?—A. No, sir.

Q. How does it happen that every other letter that this man wrote upon this subject is preserved except that?—A. There are several other letters that have been destroyed.

Q. All relating to this same matter?—A. Yes, sir.

Q. All relating to this business of Hersey's?—A. No, sir; none of them.

Q. You have all except the one of the 15th of January relating to it?—A. Yes, sir; and in the slip inclosed in that letter he gives the names.

Q. Would not that letter be of some importance to this committee?—A. In view of all these developments, it had no connection with it, and, as I stated, I do not think that information of importance. I have received other letters of that character; I just burned that letter up and paid no attention to it. I have gotten letters stating that such and such a person was furnishing Mr. Cooper with information. The next letter I received was this one, which I have shown the committee.

By Mr. PAYSON:

Q. Of January 26?—A. I want to say up to that time I had no knowledge whatever in regard to this Hersey matter. I knew nothing at all about it. Gen. Raum had never said a word to me about it. There may have been information in the possession of Gen. Raum.

Q. It was through Williams and the other man?—A. Whittinghill. When I took this letter to Gen. Raum, he said, "Well, I have some matters of importance now in connection with this same business," and he then showed me the correspondence that he had had with Whittinghill.

Mr. BROSIUS. With Mr. who?

A. Whittinghill, whose evidence appears there; and he said, "Mr. Greenawalt, I would like to have you go out and investigate this matter and find out who this man Reagan is, who he is doing this business through, and find out everything you can about it." As a subordinate, I told him I was subject to his order, and I immediately started out. That was the 3d day of February. I just went to Indianapolis.

By Mr. ENLOE:

Q. Did he write you a letter of instructions?—A. No, sir; I had no instructions at that time at all. I had verbal instructions from the chief of my division.

Q. What date was that?—A. On the 3d day of February.

Q. That was the time you first started?—A. That was the time I first started. That will be shown by my daily report. I first went to Indianapolis.

By Mr. PAYSON:

Q. When you started away did you have these papers with you then?—A. Yes, sir.

Q. State with reference to them.—A. I want to introduce right now here a part of the correspondence that was had at that time. Here is a letter from Gen. Williams.

The letter is as follows:

[E. S. Williams, attorney at law.]

PRIVATE AND CONFIDENTIAL.]

TROY, OHIO, *December 22, 1891.*

MY DEAR SIR: Doubtless you remember me as the member from the third Ohio district in the Fiftieth and Fifty-first Congresses. A pension attorney, Capt. Benjamin Darst, who lives in Green County, Ohio, has just left my office, and unwittingly gave me some information that may be of use to you should Cooper of Indiana open his smut-machine on you.

Capt. Darst informed me that one W. R. Hersy, whose office is in the Atlantic building, is the private secretary to G. W. Cooper, of Indiana, and also does work for Hon. E. V. Brookshire. He says that Mr. Hersy made use of the Congressional slips and name of Cooper, and procured status of cases at $1 to $2 per inquiry for pension attorneys. He says Frank Cunningham, of Xenia, has sent him probably $200, and that he, Darst, had sent him quite a sum of money. I did not explain to Capt. Darst, who is a good Republican, the injustice of Hersey using his influence in that manner, and he told it to me as a matter of information connected with his success in business, but he is aware that both Cooper and Brookshire are Democratic Congressmen. If such a scheme is wide enough to extend into adjoining States, I think an investigation on your part may open up information for the good of the service and a dynamite boom for Cooper. This letter is for your own private consideration. I do not desire my name used, but I would be glad, if such a practice exists, that it be exposed whoever it may hit.

Very truly yours,

E. S. WILLIAMS.

GREEN B. RAUM,
Commissioner of Pensions.

Q. Who was at that time a member of Congress?—A. Formerly a member of Congress, imparting some information in connection with this matter to the General, a copy of which I want to introduce, and

there is a letter there from a Mr. Henry Holt, at Indianapolis, Ind., in regard to this matter; and here is a copy of it, Mr. Enloe.

Gen. Raum furnished this data, this correspondence, and told me he desired me to investigate it. I proceeded to various places, and I came back and made a report at that time. I went to Bloomington and saw Mr. Morgan. I had the letter with me, and we had a conversation, as he relates. I want to say that at that time I took a memorandum of the statement made by him. I have already read that. I had a great deal to do. I did not rely on my memory. I took this memorandum at that time. That is simply a repetition of his statement in regard to the transaction which occurred at that time, which he detailed to me. I showed him that letter. He detailed to me the facts about his visit here to Washington, and going with Mr. Cooper to Hersey's office, and the conversation which ensued. That was on the 7th of February. Now, Mr. Morgan first makes one mistake there. The main facts are correct in regard to the correspondence. I asked him to tell me why he did not respond. I said, "Have you responded, have you sent the slips?" "No," he said, "I have never sent any;" and I said, "Why did you not use them? Why did you not draw them up and see what they were doing?" I suggested, as he says, that he send the last cases, 20 or 25, to Mr. Hersey. There was some talk at that time in regard to the address of Mr. Hersey.

The letter is as follows:

[Holt's Claim Agency. Pensions a specialty. Main office southwest corner East Market and Delaware streets, ground floor.]

CONFIDENTIAL.]

INDIANAPOLIS, IND., *November 16, 1891.*

DEAR SIR: In response to yours of the 14th instant I will say that the matters I referred to in my former communication are briefly these: Shortly after Mr. Cooper's election to Congress he proceeded to vigorously exercise his prerogative to "call up" pension claims, until "called down" by Mr. Tanner, who was then Commissioner of Pensions. Shortly after you became Commissioner he made arrangements with Messrs. Maring & Slusher, attorneys, of Columbus, Ind., to call all claims they desired, and at any time desired. In accordance with this arrangement, he authorized them to print "congressional calls," to be signed by him in blank. And in order to facilitate matters, Mr. Maring not only had the blanks printed, but the printer, William Mitchell, of Greenfield, Ind., had fac-simile cut of Cooper's signature made and the signature was also printed in the blanks.

Twenty thousand of these blanks were printed and delivered to the firm of attorneys, and of course with Cooper's full knowledge and consent. After quite a number of them had been used the fact seems to have been discovered at the Pension Bureau, and the attorneys were notified that the calls would have to be destroyed. You will no doubt find copy of the letter in the law division, but the date I can not give, although I wrote Mr. Maring's reply, saying that the "calls" would be promptly destroyed.

Mr. Maring and myself are warm personal friends, and he is an old soldier and a solid Republican, but he pays cash for all favors.

The matter which I believe to be worth an "investigation" is whether Mr. C. was not paid for the favoritism shown by him to the pension firm named; and at least whether he had any right to permit the use of his name in blank by a firm of pension attorneys. At the very least it appears to me that Mr. Cooper is guilty of the offense that he has been so assiduously attempting to fasten upon yourself, viz, favoring a particular firm.

Mr. Mitchell, who did the printing, is the editor and proprietor of the Hancock County (Ind.), Democrat, Greenfield, Ind.

I am very much inclined to think that these matters in the hands of a vigorous "fighter," like Mr. Johnson, might make Mr. Cooper somewhat "weary" of the investigation business.

If I were better able, financially, I might have made a closer investigation and

probably ascertained whether there was any consideration paid or not. The other facts are known to be true by me, having come under my knowledge while engaged with Mr. Maring.

Mitchell informed me he paid $2 for the facsimile cut.

Very truly yours,

HENRY HOLT.

Hon. GREEN B. RAUM,
Washington, D. C.

I think he said at that time—at least I told him, it was in the Atlantic building. I knew that as a fact; he did that on the 8th. That letter is dated on the 8th—oh, no, on the 7th, on the morning of the 7th that was done. The next day he says that he gave me the letters. That is quite correct. He sent me a list of claims to my address and that list I think appears in my report. I went to various other places. I went to Kenton, Ohio, and I got the information that is embodied in my report. I found out who Mr. Reagan was, and I found out who his associates were in this business with Mr. Peet. I necessarily had to travel back and forth, because I would get data at one place which necessitated my going to another place. I came back on the 25th of February and rendered my report. My report is before the committee.

Q. You mean March instead of February?—A. No, sir; the 25th of February. These cases were filed and called up in the office. I kept a duplicate of the slips upon which they were called up. I preserved those slips which are attached to the report made on the 21st of March. I think I would have to make a little correction there. Now, in regard to these two letters of Holt and Williams. Those letters were not placed in my hands until my second trip on the 21st of March. Gen. Raum had already shown them to me, but I did not take them with me. On my second trip I started out on the 21st day of March. Gen. Raum at that time issued an order to me to make this further investigation. I think he made a written order at that time. I have a copy of it to put in as evidence. It is a letter directing me to go to Ohio, Indiana, and such other places as I might find necessary. At that time I suggested to Gen. Raum that there was a great deal of work to do, and that I would have to have assistance; and I suggested the assistance of a stenographer. Well, this was done in Mr. Lineaweaver's presence, and whether I suggested to Gen. Raum Mr. Lineaweaver I do not know now; but anyway, he was selected as the man. I requested that he go with me, and he did go. He acted as stenographer, and took part of the testimony. At that time I went first to Xenia, Ohio, then to a place called Alpha, and from there to Indianapolis, to Columbus, and to Bloomington, back to Indianapolis and back here. During that trip we obtained the testimony embodied in my report dated April 4. I do not believe I have anything further to state to the committee in this connection but what appears in the report. They are matters of record.

Mr. PAYSON. During the performance of this business in connection with Mr. Morgan, you may state to the committee whether you acted in good faith and believed what Mr. Morgan stated to you was in good faith.

A. I certainly did.

By Mr. ENLOE:

Q. When was the first conversation you had with Gen. Raum on the subject of this matter?—A. I think about the 1st of February. No; let me see; it was about that. I had the first conversation in regard

to the matter with Gen. Raum along about the 15th or 18th of January, when I received this first letter from Mr. Morgan——

Q. Did he talk to you about it in December?—A. No, sir; I knew nothing about this slip business or anything of the kind until about the 1st of February. Gen. Raum did not tell me anything about this Whittinghill matter, nor the Reagan matter, or that he had obtained this—he did not tell me until about the 1st of February, when I started away.

Q. Did you find at that time that he had sufficient to show pretty clearly Mr. Hersey's connection with the business, and had had it in his possession for some time before?—A. I did about the 1st of February.

Q. Did you not find out that he had had that information from some time last fall?—A. Oh, yes, sir; the papers indicated the date they were received in the office.

Q. He knew that Hersey all this time was getting improper information from the office. Did he state to you any reason why he did not stop Hersey?—A. No, sir.

Q. Did he state to you anything or his reason for desiring you to go out there to take additional testimony in this matter?—A. Yes, sir.

Q. Did he tell you that he wanted to connect Mr. Cooper with it?—A. No, sir.

Q. Did the letters that he showed you indicate that Mr. Cooper was improperly connected with it?—A. No, sir. He did not say anything of the kind.

Q. You did not understand anything of the kind? You did not understand it was part of your business to take testimony for the purpose of implicating Mr. Cooper?—A. I thought it was this: As a special examiner I was to take down the facts.

Q. Did you take down in this examination the testimony of the witnesses as they offered it?—A. Yes, sir.

Q. Did you exclude any part of the information that was offered to you in making this examination?—A. No, sir; I beg your pardon. I will say that there were immaterial facts stated that were not material at all—not responsive to the questions I propounded, which I did not include.

Q. If a man answered anything outside of the question you asked him, why, you did not include it?—A. No, sir, unless it related to the matter under investigation.

Q. If it related to the matter under investigation, did you in every instance take down everything that the witness stated?—A. Everything that I thought material to show up the whole facts.

Q. If a witness stated anything that tended to show that Mr. Cooper had any improper connection with it so far as that witness was concerned, you took that down?—A. I did, sir.

Q. I will ask you if you did not decline or omit to take down part of the testimony of Mr. Peet, tending to exonerate Mr. Cooper, so far as he was concerned?—A. I did not.

Q. You deny that?—A. I deny that emphatically.

Q. Did not Mr. Peet make the statement to you that there was nothing so far as he was concerned to connect Mr. Cooper with it; that Mr. Cooper knew nothing about the arrangement between Mr. Hersey and yourself?—A. That was an inference; that may have been. All this information I stated was immaterial.

Q. Did you consider it immaterial if a witness offered to exonerate a

man that you were trying to implicate?—A. I do not remember that Mr. Peet made any such statement.

Q. Do you deny that?—A. I do deny it.

Q. If it happened to be immaterial you left it out?—A. Yes, sir; I think so.

Q. State positively whether he made the statement to you, and you failed to put it down, that Mr. Cooper had no improper connection with this matter?—A. I will state that I put down everything that I considered material to the investigation which I was making.

Q. Was there not considerable feeling in the Pension Office against Mr. Cooper on account of his desire to investigate the Commissioner among the friends of Gen. Raum? First state candidly the fact.—A. I think the feeling was that Mr. Cooper had made charges not sustained by the facts.

Q. Is there not very considerable feeling towards Mr. Cooper on account of what they term a persecution of the Commissioner?—A. I will say there is no feeling or feelings against him, on my part, whatever.

Q. I will ask if you did not hear expressions in the Pension Office to the effect that there was considerable feeling against Mr. Cooper?—A. I will say that I have heard such expressions generally; not only in the Pension Office, but outside of the Pension Office.

Q. Have you heard it from Gen. Raum?—A. No, sir.

Q. Never heard any expressions of feeling in any way from him?—A. No, sir.

Q. Did you ever talk about the matter with him?—A. About Mr. Cooper?

Q. About Mr. Cooper?—A. I have talked to him about the slips in connection with this investigation.

Q. Did you not talk to him about this interview after you came back from making this investigation?—A. I did, sir.

Q. Did you tell him then that you had caught Mr. Cooper?—A. No, sir. I presented him my written report.

Q. What did you state to him outside of your written report? Did you not talk to him outside of the written report about this matter?—A. I did not.

Q. And did he not show gratification when you said that you had caught Mr. Cooper at last?—A. No, sir; not in those words.

Q. Then what did he say?—A. He said: "Mr. Greenawalt, you have been very successful, very fortunate, in obtaining this mass of correspondence."

Q. Was there not general rejoicing in the Pension Office over the fact that you had caught Mr. Cooper?—A. No, sir.

Q. Was there not a general expression of gratification over the fact?—A. I could not say there was.

Q. Did you not say here that persons down there had expressed themselves gratified at the fact that the Pension Commissioner had gotten even with Cooper—at least not in those words, but in substance that?—A. Well, I heard expression of commendation, and only acknowledging that I had conducted this examination successfully and gotten all this information.

Q. Did you not know that Mr. Lineaweaver's absence from the office became a subject of pretty general comment in the Pension Office during that time owing to this investigation?—A. Yes, sir; I did so learn when I got back.

Q. They never found out where Mr. Lineaweaver had been until this

report was made?—A. Well, I think there was a good deal of talk about that. Well, I can not say; I think there was a good deal.

Q. You heard some of it?—A. I want to supplement that by making this statement, that I am not in the habit of talking to everybody about my official business. I talked to very few people about it.

Q. I will ask you now what you heard. Did you not hear expressions of that sort?—A. I have heard a great deal of talk.

Q. Were you present when Gen. Raum returned from the Bureau that evening after having submitted this testimony to this committee?—A. I do not believe that I was.

Q. Was not that a subject of comment between you and Mr. Raum and Mr. Lineaweaver and some others on that evening that he had come up here and submitted this testimony?—A. Well, sir, I do not remember that I heard Gen. Raum say anything to anybody. I want to supplement my reply by saying that my duties are right at the other end of the building from Gen. Raum's office.

Q. Did Gen. Raum say anything to you about Mr. Cooper at all in connection with this matter?—A. Yes, sir.

Q. What did he say to you?—A. We had discussed the facts that appeared in my report.

Q. I am asking you now about before you went out and got this report. Did he talk to you before you started out?—A. We talked about getting the facts in regard to these cases called up by Mr. Hersey which were called up on the slips of Mr. Cooper. It is inevitable that Mr. Raum should have told me that.

Q. Before you and Mr. Lineaweaver went out on this examination into Indiana and Ohio and other places, was there not evidence enough right in the possession of the Commissioner at that time to have clearly shown what Mr. Hersey's practice was?—A. No, sir; I do not think so.

Q. Do you not think so?—A. No, sir.

Q. Would not the Whittinghill correspondence show that fact?—A. I do not think it would. We knew, as I stated awhile ago, that the Whittinghill case and the —— case were called up on Mr. Cooper's slips; but remember, Mr. Enloe, at that time the Commissioner had information that this business was being done; but he wanted to find out the extent to which it was being done, and who were implicated. That was the reason why we did not divulge what we knew at the time. That matter was discussed with me by Gen. Raum.

Q. Did you find out that Mr. Brookshire's slips were used?—A. I did when I came back. I did, sir.

Q. When you came back the first time; that was in February when you found that out?—A. February; I can not tell without reference to the papers.

Q. Well, look at the papers and see what time it was.—A. It was between the two trips after the 25th of February and before the 21st of March.

By Mr. ENLOE:

Q. I would like to ask the witness if it does not appear—if at the time he started on the second trip if the office had knowledge of the fact that Mr. Hersey had used Mr. Brookshire's slips and the slips of Mr. Gantz. Did you have that evidence then?—A. Yes, sir.

Q. Why was it you didn't inquire into Mr. Brookshire's connection and Mr. Gantz's connection the same as Mr. Cooper's?—A. We did.

Q. Did you?—A. Yes, sir.

Q. Did you go out and take the evidence in the cases in the same way?—A. Yes, sir.

Q. Did you follow it up all through with all their slips in the same way?—A. No, sir.

Q. Why not?—A. Too many of them there.

Q. How many; do you know?—A. We inquired wherever we went whether they ever had any correspondence that would indicate—as a matter of fact this investigation didn't divulge until we got back to the office and found out on whose cases the slips were. Those attorneys gave us this information in regard to Mr. Hersey, and while we knew he was acting for these parties we couldn't tell until we got back on whose slips he called them up.

Q. On the second trip was any evidence taken in regard to Mr. Morgan?—A. Yes, sir.

Q. Did Mr. Lineaweaver make the second trip in regard to Mr. Morgan?—A. No, sir.

Q. He went twice?—A. Yes, sir.

Q. Where did he go the second time?—A. To Xenia, Ohio.

Q. Didn't he go there for the purpose of getting Mr. Cooper's name in a deposition which had been omitted in his former deposition?—A. No, sir.

Q. He didn't go for that purpose?—A. No, sir; he didn't go for that.

Q. He didn't go to accomplish that fact?—A. No, sir.

Q. But he did accomplish it?—A. Yes, sir; that was elicited during his second examination. I can state the circumstances if necessary.

Q. I want to know if you followed out all the other cases that the office or the Commissioner had knowledge of, where slips of a Congressman had been used for calling up the cases of an attorney?—A. Yes, sir; every case we had knowledge of, if there had been any improper action taken in connection with it wherever we had reason to believe there was anything wrong with it.

Q. Have you been informed that there were other Congressmen whose slips were used in the same way and have not been mentioned in connection with it, by this same person?—A. No, sir; only by the testimony given by Mr. Hersey here before this committee.

Q. Has the Commissioner talked with you upon this subject recently?—A. Yes, sir.

Q. Has he told you this was the extent of his information upon that subject?—A. No, sir.

Q. Has he not mentioned to you he has other information on that subject?—A. Yes, sir; the Commissioner has mentioned in my presence, not directly to me, that he had information in regard to others procuring and selling information.

Q. Did he tell you who they were?—A. I heard who they were.

Q. Who were they?—A. Mr. McClellan——

By Judge PAYSON:

Q. I don't think that ought to go in here, because the office is investigating it now.—A. I will put my response to that question in this form, that I had no information from Gen. Raum or anybody else of anything of that kind except what was brought out on the examination here of Mr. Hersey.

Q. You have none outside of that?—A. No, sir.

Q. Nor you haven't heard him say so?—A. No, sir.

Q. Is there any investigation going on by the office now in reference to cases of this character?—A. Yes, sir.

Q. That is being done by special examiners now?— A. No, sir.

Q. By whom?—A. By me.

Q. You are conducting that examination in some other cases?—A. Yes, sir.

Q. When do you think you will have that information ready for the committee?—A. I can't tell. I am doing that by correspondence. I wrote twenty letters and sent them out yesterday upon that subject. That is a considerably more scattered matter, and we thought it would be quicker and cheaper to do it by correspondence, and Gen. Raum directed me to take charge of the matter, and I have done so.

Q. Do you know if pension firms in this city are buying or paying for information in that way?—A. I got that information when I was out West.

Q. Are you investigating that?—A. I am, sir.

By Mr. COOPER:

Q. Mr. Greenawalt, this man Mr. Peet is a gentleman who is represented as being a relative of mine?—A. Yes, sir.

Q. What relation did you ascertain he sustained to me?—A. I stated it, I think, in my report.

Q. What was it?—A. I ascertained he was a brother-in-law of your brother.

Q. Did you ask him whether I knew what he was doing or if I had any connection with it?—A. Now, I can't respond to that question without going over my examination of him.

Q. Were you not trying to learn that very fact?—A. I was trying to get all the facts.

(Witness reads report.)

I think my questions would have led up to that question. I asked Mr. Peet several times. I asked him what arrangements existed between him and Reagan and Hersey, and he responded; and I also asked him how Mr. Reagan figured in it, and I asked him if Mr. Reagan knew Hersey, and he said no.

(Witness reads balance of report.)

Q. Now, in that connection, when he told you I was home, did you ask him if he had any conversation with me with reference to taking up this business?—A. No; I don't think I did.

Q. Why didn't you?—A. I didn't think it was material.

Q. Wasn't that inquiry there for the purpose of finding out if I bore any relation to it, and what relation I did bear?—A. No, sir.

Q. If you wanted to find out all about it why didn't you ask him if I had anything to do with it?—A. I did ask him.

Q. Did you ask him if I had any connections with him?—A. I don't know as I named you.

Q. Didn't he tell you I knew nothing about it?—A. I don't think he did; I don't think any such statement was made in our presence.

Mr. ENLOE. Who else was present at the examination?

A. Mr. Marring. John N. Marring.

By Mr. COOPER:

Q. He was working for him?—A. Yes, sir.

Q. Mr. Marring is quite hostile to me?—A. He didn't express himself so.

Q. Did you know he was under charges before the Bureau when you went out there?—A. I know he was not under charges when I went out there.

Q. How did you ascertain that fact?—A. From general information in the Pension Office, in the law division.

Q. Where did you get that information?—A. From the law division. I knew he had been up before them under charges, but he was not at that time.

Q. Did you look at the papers?—A. I know I took that point down, and I got that from general information. I ascertained he was a regular practicing attorney in the office.

Q. Didn't you understand he was under indictment in the United States court in Indianapolis?—A. I ascertained he had been.

Q. Did you ascertain it was still pending?—A. No, sir.

Q. Did you ascertain that he was still under the same charges at New Albany?—A. No, sir.

Q. Did you look at the papers in the law department in regard to Mr. Marring?—A. No, sir; I had no occasion to.

Q. You said you got your information from the law division?—A. Yes, sir.

Q. From whom did you get the information?—A. I think I got it from the clerk who has charge of the record of attorneys.

Q. Look at the indorsement on that jacket and see whether that contains charges [hands witness paper]. What do you find there?—A. "October 26, 1889, attorney again requested to make further answer in Lazell case." Do you want me to read all these indorsements?

Q. Yes, sir.—A. "November 11, 1889, attorney had $70 out of $100 received. Paid pensioner balance $30, which was returned to him. Pensioner advised as above. Signed R. A. C.," I think it is.

By Mr. DUNGAN:

Q. Is that some clerk in the office?—A. I think so; I think he is a clerk in the law division; Mr. Coleman, I think. I am not certain about the clerks in that division, though.

August 23d, Department revoked by order of chief of law division, to whom the fact that no notice had been given attorney was communicated by me. All other papers than these now on file transmitted to Secretary of the Interior. Signed, Anderson.

Q. Read the indorsement on that jacket [hands jacket to witness].

June 11, 1889, to explain why they had Snyder, their agent and justice of the peace in Indiana, go into the State of Kentucky and there have the power of attorney executed before him as justice of the peace in the claim of Richard Hammond, No. 591401. O. W.

July 31st, 1889, attorney answers satisfactorily.

August 16, 1889, Marring, Slusher & Co., 15 days to show cause why they should not be disbarred for illegal practices. Signed, R. A. C.

Sept. 4, 1890, answer accepted as satisfactory. Admonished. R. A. C.

Sept. 7, 1890, Hon. George W. Cooper advised as above. Signed, R. A. C.

August 23, 1890, recommendation of disbarment on order of chief of law division, to whom the fact that no notice was given to the firm was communicated by me. All other papers than those now on file transmitted to the Secretary of the Interior. Signed, Anderson, of the law division.

Committee here took a recess until 1:30 p. m.

AFTER RECESS.

J. C. GREENAWALT—Recalled.

By Mr. COOPER:

Q. Have you examined the records further, to ascertain upon what charge the last recommendation now upon the docket of the papers contain?—A. No, sir.

Judge PAYSON. Can't you put the papers in the record and let them appear in the record, and in that way save time?

By Mr. COOPER:

Q. When did you go to the law division first to ascertain whether he had been disbarred?—A. I didn't go to ascertain if he had been.

Q. Why did you go?—A. I went in there to see if at that time he was recognized as an attorney in the office.

Q. Did anyone tell you he had been recommended for disbarment?—A. No, sir.

Q. You didn't look at the papers yourself?—A. No, sir.

Q. You didn't know then, when you went out there, about that man and in regard to his standing?—A. No, sir. I knew there had been some complaints made about him but that he was in good standing, because there had been no report made that I knew of, and I understood he was a man of good standing.

Judge PAYSON. Mr. Morgan was asked when he went upon the stand if he had seen anyone when he got to the hotel, and he said he saw you. Will you state how it happened how he saw you?—A. I received a note at my house at 9 o'clock requesting me to go to the hotel to see him.

The CHAIRMAN. Signed by Morgan?—A. Yes, sir.

Judge PAYSON. Whom did you see before you went there?—A. I saw Mr. Payson and asked him if it would be proper for me to go there, and called at his house and talked it over with him, and he told me it would be all right.

Q. Did you see anybody else there?—A. Yes, sir.

Q. Whom?—A. A number of gentlemen.

Q. In connection with the office or with this case?—A. I saw one gentleman who is connected with this.

Q. Who?—A. Mr. Cooper came up and spoke to Mr. Morgan, and said, "Holloa, Jim, I thought you had left town," or something to that effect.

Mr. COOPER. I knew he wanted to.

Mr. DUNGAN. That is what he wanted to do; he wanted to leave town; that is why he sent for Mr. Greenawalt. I met him just before that, and we looked in the directory and found the residence of Gen. Raum and yours and Mr. Payson.

Judge PAYSON. I will say he wanted to interview me, and I told him I didn't want him to come to my house at all.

Q. I want to ask you if anything was said about there being any difference in his testimony, as to whether he expressed himself in that conversation with you as to his belief in regard to Mr. Cooper and Mr. Hersey, and if he made any explanation of that?—A. Yes, sir. When I went down I didn't tell him I knew he had been before the committee. The question didn't come up. I said, "Holloa, Morgan, when did you get in?" He said: "This even—aw—this afternoon." He said, "I

have been before the committee;" and he said, "I am afraid I contradicted myself a little." He said: "When I was going out Mr. Payson called my attention to some letters," and he said, "As a matter of fact, I had forgotten about those letters." And I said, "You ought to have remembered them. You must recall those letters, because I would not have gone to see you if you had not written me." He went on to say he told the story here, and you ought to have let him off and ought not to recall him. I told him he would have to explain the discrepancies, and they will probably want to see you again. Then he made this remark: "I am afraid, a little afraid if I bear down too hard on Cooper that his friends, his Republican friends, will defeat me for the nomination of prosecuting attorney." That is all he said to me at that time.

By Mr. COOPER:

He was under the impression, or seemed to be, that I introduced him to you? Did I?—A. No, sir.

Q. Did I know you, or you me?—A. No, sir; I think the first time I ever saw you was in Mr. Lincoln's room. Mr. Compton said, "That is Mr. Cooper."

Mr. COOPER. I would like to make this brief statement. He said that on the street cars, going over to the Pension Office to my room, perhaps, that I told him I was in correspondence with people in the Pension Office and that I showed him a typewritten letter. I have this letter, and he stated that I told him it was from the law division, and I told him so, and that I was on intimate relations with those parties, or words to that effect. This is a common typewritten letter and contains a good many aspersions upon the Department, but I didn't care to have anything done with it and don't care to have it go in the record because it is an anonymous letter. I have received more than a thousand letters of that kind, but I never give any attention to them at all. I think I showed this to him, but didn't read it to him. This was in December, 1891, and he was here in the January following. I had this letter among a lot of papers. It contains a great many charges in here, the truth of which I don't know anything about. You will see the last remark here:

I do not propose to send my name to you. You probably may not disclose it; but there may be others around you who would not hesitate to give me away to Raum if they could make anything out of it. If you require any further hints insert a personal in the Star, addressed to Q.

I didn't insert any personal in the Star, and didn't look at it any more until the man mentioned it on the witness stand and then I dug it up from among a lot of papers. As to his statement in regard to Col. Lincoln, I told him his business would be in Col. Lincoln's room, which is true. Col. Lincoln had charge of the western department, as I understand it, and all claims going from the western department are called through his division—at least that is where I find most of mine—and I said, "You will have occasion, if you are going to do that work, to see him." I said, "I know him very well and I will give you an introduction to him and I think he will help you." What I meant was that I supposed the office there and I being in trouble he would be under the impression that I being on unfriendly terms with the Commissioner I couldn't help him any, and I said "My introduction to Col. Lincoln will not hurt you, and I think you will find it will be of assistance to you." I think I said, "He is a very excellent gentleman," and would make him perfectly at home in there. It was on that line that I spoke to him.

That I gave him to understand that Col. Lincoln and I bore any such relations that he would act as a spy on the Department is utterly false. I had no such ideas, and such is not the case. While Col. Lincoln's treatment of me is entirely friendly and cordial, I have never had any correspondence with him in regard to the office that would in any way affect his friendly relations to the Commissioner, or anything of that kind. My attention has been called to a printed blank from the Government Printing Office, which shows that the inference I drew the other day in regard to John Raum's being an imitation of this or a copy of this, the number of it being the same, was incorrect. I was informed that that was the office blank and that no other could be used, and I presumed that that was so. Whatever I said about that it clearly disproves any imputation——

Mr. DUNGAN. That is hardly testimony.

Mr. COOPER. I mean to say that I was mistaken. This is all I desire to say about it. The reason I do that now, I am going away, and will not be here to explain it. So far as I am concerned, I would like to have it fully investigated. I was told that this was an office blank, and I believed it was.

TESTIMONY OF GEORGE W. WAYSON, JR.—Recalled.

GEORGE W. WAYSON, Jr., recalled, testified as follows:

By Mr. ENLOE:

Q. When you were last before the committee you refused to answer certain questions in regard to persons who had indorsed for you who were serving in a subordinate capacity in the Pension Office in your division. Are you prepared to answer in regard to that matter now?—A. I suppose so, sir.

Q. You know whether you are or not, don't you?—A. Oh, yes, sir.

Q. Do you know how many persons indorsed paper for you while you were assistant chief of the special examination division who were employed in that division under you at that time?—A. I think Mr. Ellis and Mr. Brooks.

Q. You think they are the only two?—A. Yes, sir.

Q. Do you know how many loaned you money during that time?—A. No, I do not; neither do I know how many I have loaned money to.

Q. Have you loaned money to any one of them?—A. Yes, sir. A very common practice for one to borrow from another.

Q. Whom do you know that you loaned any money to?—A. I don't remember any particular person; anybody that came to me and wanted it, if I had it, I would let him have it.

Q. Can you name anyone in the division?—A. I have loaned Mr. Charles Van Dusen and Mr. Ketchum. I have loaned Mr. Pushaw, Mr. Welsh, and Mr. Simms. Oh, I have loaned to a number of people. I can't recollect them all. It is a very common thing there.

Q. That is some four or five you have loaned money to; how many have loaned money to you?—A. I have borrowed from all of them, I think, sir.

Q. Borrowed from all of these?—A. Yes, sir; I presume so.

Q. How many others?—A. I can't recollect that, Mr. Enloe. That is a very common thing in the Department. It is not confined to the special examination division alone, at all.

Q. A general practice, is it?—A. Yes, sir.

Q. Do you know whether it was generally understood at the Department that men who loaned you money could get favorably assigned to the field?—A. No, sir; never, until it appeared in the New York Herald. Never heard of it at all.

Q. Why was it you wouldn't let us investigate that the other day?—A. I don't concede now that the committee has any right to do it.

Q. Why are you answering now?—A. I don't care to tell you that.

Q. Why have you changed your mind at this time?

Judge PAYSON. I don't think it is a proper question for the committee to ask him that.

Mr. ENLOE. Why have you changed your mind about answering these questions?

The CHAIRMAN. What is your object in this, Mr. Enloe?

Mr. ENLOE. The object is to show that under the influence of the Pension Office he has returned to answer these questions, which he wouldn't answer before.

The CHAIRMAN. If that is so, if the Pension Office requires him to do the right thing, why, what do we care about it?

Mr. ENLOE. If the Pension Office requires him to do it I want him to state it.

WITNESS. If the Commissioner had told me to answer those questions I should have declined. I don't allow any man to dictate to me in reference to my private business.

Q. Did you understand in any way that the Commissioner wanted you to reply to those questions?—A. I did it under the advice of Judge Payson.

Q. Under the advice of Judge Payson?—A. Yes, sir; after a conversation that I understood he had had with the Commissioner.

Q. How did you get your information about that conversation?—A. The gentleman to my right, here, sir [referring to Judge Payson].

Q. Were you not out of the city at the time the conversation occurred?—A. I can not answer that; I have no knowledge as to when it occurred.

Q. When did you leave the city?—A. I left Washington Monday, on the 11:15 train.

Q. That was the day after you testified here?—A. Yes, sir; the very night of the day I testified here.

Q. What information did you get that you ought to come back here and answer these questions, and where did you get that information?—A. I didn't get any information that I ought to come back. I got a telegram from the Commissioner of Pensions telling me to return here at once. Shall I read the telegram?

Q. Yes, sir.

Dated Washington, D. C., 11th. To Mr. George W. Wayson, 1836 18th street. Return here at once for cross-examination by Mr. Haysen. Signed, Green B. Raum, Commissioner.

Q. That meant cross-examination by Judge Payson?—A That is the extent of my order, sir.

Q. Let me see the telegram?—A. Yes, sir; but I want it back, for it may be of some use to me in getting my pay.

Q. You understood, when you got this telegram, that Mr. Payson wanted to cross-examine you?—A. I knew nothing about it except what the telegram showed.

Q. That is what you understood?—A. Yes, sir.

Q. You understood Haysen meant Payson?—A. Yes, sir.

Q. When you got here you went and saw the Commissioner about it?—A. I did.

Q. Did he tell you to come and answer these questions?—A. No, sir.

Q. What did he tell you?—A. He told me to go and see the judge.

Q. What did Judge Payson say to you?—A. I met him coming out of his house and we walked from his house to the Capitol. On the way down here I had a conversation as regards these questions. He thought as these other men had been on the stand and made statements in regard to the matter that it might possibly be misconstrued and that, in view of the fact of the article in the New York Herald charging the Commissioner of Pensions with having been in collusion with me in my assigning men to the field for money consideration, he thought I had better go on and testify in regard to the question. I told him I didn't want to do it; I didn't consider it was the committee's affairs, but my private business entirely. But I said I would do it if it was his judgment that I should do it for the benefit of Gen. Raum, sooner than have them construe the meaning that I wouldn't testify, and in that way connect Gen. Raum's name with it. I told him I would do it.

Q. Did he tell you this committee had a legal right to compel you to answer?—A. No, sir; he did not.

Q. You are testifying, then, in justice to Gen. Raum?—A. You can draw your own conclusion.

The CHAIRMAN. I don't think that is a fair question.—A. I have told you all the facts with regard to it and why I came back here.

The CHAIRMAN. The simple facts brought to his knowledge are all that should be brought out.

Mr. ENLOE. I ask him if he was testifying now to facts that he refused to testify to before because he had been advised by counsel of Gen. Raum that he could be legally compelled to answer and he says no, and I ask him if it is in justice to Gen. Raum, and I think it is a legitimate question.

The CHAIRMAN. I have no objection to his testifying to all he knows about, but in regard to Gen. Raum it doesn't appeal to my idea of justice. It is an inference against the witness that I don't care to draw myself.

Mr. ENLOE. I will withdraw the question, then.

The CHAIRMAN. Did you have any other conversation with the Commissioner other than you have testified to in regard to coming back and testifying?

A. No, sir; not a single thing, sir.

Mr. ENLOE. Have you had any other with Judge Payson?—A. At any other time?

Q. Yes, sir.—A. When I first came here I went to Judge Payson by the direction of the Commissioner, to tell him I was here for examination before the committee. I asked him what the committee could possibly want of me, as I had no information in regard to the running of the Pension Office. He said the committee wanted to investigate the matters relative to my private affairs and I told him I would not say anything about that, because it was none of its business.

By Judge PAYSON:

Q. That was before you were called?—A. Yes, sir.

Q. And the only conversation we have had since you returned was while we walked down here together?—A. Yes, sir.

Q. Do you remember my saying to you that these other people had

been on the stand and testified in regard to this Ellis and other indorsements and that suit had been brought in a court?—A. Yes, sir.

Q. And that it was public property now anyway?—A. Yes, sir.

Q. And, further, that some of the money you had borrowed—it was claimed that on that account men were being assigned to duty?—A. Yes, sir.

Q. Didn't I say to you then that, whether it was true or not, in my judgment it was proper for them to ask you about these matters, and then you could say when such a thing was brought up—that it was for you to say all in regard to it?—A. Yes, sir.

The CHAIRMAN. Do you remember anything else?—A. No, sir.

Mr. ENLOE. Do you testify in this matter now; after he said he doesn't testify because he is compelled to, I want to know if he is testifying out of grace to Gen. Raum?

The CHAIRMAN. I think it a matter of deduction. I do not want any witness's conclusion to bind me.

By Mr. ENLOE:

Q. Did you see the Commissioner before you returned to Philadelphia?—A. After I left here?

Q. Yes, sir.—A. I did.

Q. Did you tell him what transpired here?—A. Yes, sir.

Q. Did he tell you to go on back to Philadelphia?—A. He did, sir; and I went.

Judge PAYSON. Didn't Gen. Baum ask you if the committee had excused you?—A. He asked me if I were excused, and I said yes, I thought so. I told him about the committee passing a resolution for not answering the questions and asking for my dismissal from the service.

By Mr. ENLOE:

Q. What did he say to you about that?—A. Nothing at all, sir.

Q. Did he tell you you need not be afraid, that you would not be dismissed?—A. If any such thing did occur, I don't recall it. At any rate I was not, either by Gen. Raum or any other man, guaranteed immunity or that I wouldn't be dismissed.

Q. Didn't you understand from the Commissioner and from that conversation before you returned to Philadelphia that you were not in any danger of punishment on account of your refusal to testify?—A. I don't know as I gave it much thought.

Q. I want to know what your impression was when you left here?—A. With all due respect to you, sir, I tell you I didn't give it a great deal of thought. I was satisfied that whatever action was taken by the committee, and the Commissioner was called upon for instructions to me, that I would get them.

Q. Do you deny that the Commissioner had such a conversation with you and gave you assurance that you should not be punished about the matter?—A. Yes, sir; I deny that the Commissioner assured me that I should not be punished.

Q. Do you deny that you understood from that conversation with the Commissioner that you would not be discharged because of your refusal to answer such questions as you regarded as impertinent and improper questions?—A. I will give you the exact language the Commissioner used. I will give it to you as near as I can. I stated to the Commissioner just what I said a minute ago, that I had been asked

about my financial matters, and that I declined to answer on the ground that it was my own personal matter.

Q. Didn't he tell you you were right?—A. Idon't think he did. I told him first that Judge Wheeler had asked me one or two questions and I declined to answer them, and then I told him the committee had passed a resolution for my dismissal for my declining to answer, and he said, "They did, eh." And that is all he said.

Q. How did he say that?—A. He usually wears his glasses down at the end of his nose, and he was reading a letter, and he looked up and said, "They did, eh," and then went on reading.

Q. He was listening all the while he was reading?—A. I suppose so.

Q. He was reading a letter and listening to you?—A. Yes, sir. Any way, I said the committee had passed a resolution, and he looked up and said "They did, eh?" and that is all there was said.

Q. Then he told you you could return to your post of duty?—A. Yes, sir.

Q. Did he tell you he had placed himself on the same ground and had refused to answer questions of the same character?—A. No, sir; never told me that.

Q. You knew that to be a fact?—A. Yes, sir; because I saw it in the newspaper. I will give the newspaper men a good deal of credit for that. I saw it in the newspaper, and that is all I know about it.

Q. Didn't you think if the Commissioner could afford to place himself on that ground that you could do it also?—A. If you will permit me, I always think for myself; that is, I think I do; I know I try to, at any rate; I don't play poll-parrot for the Commissioner or any one else.

Q. You have told all the conversation that occurred between you and the Commissioner?—A. I have, sir; so far as I am able to recollect, every single word that has passed between us on the subject. I want to say further I have no desire to conceal anything in regard to what I know in regard to the management of the Pension Office.

Q. Why didn't you appear before this committee last Saturday?—A. Because I didn't get the telegram until Saturday night, and the moment I received it I wired the Commissioner and chief of the S. E. division both if I should come on Monday. I got a reply to be here Monday morning, and I started Sunday night and got here.

Q. Did you have any conversation with Mr. Raum, jr., the Commissioner, Mr. McElfresh, or any of them?—A. No, sir, not a single thing. I left Philadelphia at 7:40, and I think it was about 11 o'clock when I got here, and I went to the Owen House and stayed until Monday morning. Monday I went to see the Commissioner, as I didn't know what he wanted of me. He said, "Report to me on matters of importance," and I didn't know what it was, and I went to the Commissioner's house and saw him at his house, and asked him what they wanted about me, and he said the committee wanted to investigate me and wanted to show "you are a very bad man." And I said, "All right, if that is what I am here for I will go."

Q. Did he tell you the reason why he made the remark that the committee wanted to show you were a very bad man?—A. He told me that much, and I didn't ask him any questions.

Q. You felt interested to know why the committee wanted to prove you were a very bad man?—A. I didn't understand it then or I don't now.

Judge PAYSON. Wasn't it a joking remark made from one of you to the other?

A. I didn't see anything serious about it.

By Mr. ENLOE:

Q. Didn't see anything serious about the whole transaction, did you?—A. You think that is a proper question for you to ask?

Q. In that conversation with the Commissioner what else was said besides this committee wanted to show you were a very bad man. What did he tell you this committee wanted to inquire about in regard to your conduct?—A. I don't think he stated in regard to that; but he went on further to say that the matter was in regard to that article that appeared in the New York Herald.

Q. How did he know that?—A. He didn't make any explanation and I didn't ask him. I am not in the habit of asking him what his reasons are for telling him me to do anything. I simply obey his orders, and I said "All right, sir; I will go down there."

Q. The article in the New York Herald?—A. Yes, sir; I told him I would tell the committee all about my official business they wanted to know, but none of my private affairs.

Q. You told him that then?—A. Yes, sir; in his parlor.

Q. He told you the committee wanted to inquire about that article?—A. He said he supposed so. I am telling you what he said.

Q. Why didn't you tell me just now that he said that; why didn't you tell the whole of it?—A. If I failed to do so it was unintentional.

Q. You told him you would draw the line on all private affairs?—A. Yes, sir.

Q. Did he tell you he had done the same in regard to his private business?—A. No, sir.

Q. That was not discussed?—A. No, sir; I received no advice nor word in any shape or form upon that subject.

Q. Did you feel secure before the committee here in taking the position you did upon the ground that the Commissioner had refused to answer in regard to his private affairs?

(Question read by reporter.)

A. I think I answered that a moment ago. I didn't pattern after the Commissioner at all, sir.

Q. You say you are here to obey his orders. What did he tell you to do?—A. Just told me to report here.

Q. Have you stated all the persons you can remember that you borrowed money from in the office or got indorsements from, that were under you?—A. I think so.

Q. You think you have stated them all?—A. Yes, sir; I think so.

Q. When you were asked the question the other day whether you had negotiated a note to John W. Latourette, indorsed by Mr. Brooks and Mr. Ellis——A. Mr. Ellis never indorsed but one note in his life for me, and Mr. John W. Latourette never had anything to do with it.

Q. Never had anything to do with it?—A. No, sir; not with Ellis's name on it.

Q. Did he with Brooks's name on it?—A. Yes, sir.

Q. That wasn't the same one Ellis was on?—A. No, sir.

Q. Where was the note they were both on?—A. It was in a private savings bank at Baltimore.

Q. Is that the note Mr. Brooks testified to suit had been brought on?—A. Yes, sir.

Q. Is that the reason you are testifying about this note, because it had already become public by reason of a suit being brought against you?—A. No, sir; I told you in the first place the reason I answered any questions was because Judge Payson said it might be misconstrued in regard to the Commissioner.

Q. Didn't you know the other day when you were on the stand that that suit had been brought?—A. I had no knowledge, except hearsay.

Q. You had not received any notice?—A. No, sir.

Q. You didn't know then you had been sued on that note until Mr. Brooks testified about it?—A. I heard of it.

Q. Did Gen. Raum tell you you had been sued?—A. No, sir.

Q. Did Judge Payson tell you you had been sued, and that Mr. Brooks had testified about it?—A. He did not tell me I had been sued. He said suit had been brought against Ellis and Brooks.

Q. Do you know whether that suit is pending?—A. I don't know; I only have been told so.

Judge PAYSON. I object to the question, and let us see whether it is proper.

(Question read by reporter.)

A. I answer you, no; except by information.

Q. Did you and Mr. Ellis have any conference before you came up here in regard to this matter?—A. No, sir.

Q. Talk about it after you got here?—A. No, sir; I saw him when he first came here, but not in the office at all.

Q. You had no conversation with him?—A. I had no agreement with any man what I should say or what anybody else should say.

Q. Mr. Brooks had refused to answer the question the day before about being an indorser on your paper?—A. No, sir; I hadn't heard anything about it, nor I don't know anything about it now.

Q. Have you heard anything about it?—A. No, sir; only what you say in asking the questions.

Q. Do you know how many men you preferred charges against while you were acting as his assistant chief?—A. I never preferred charges against a single man, sir.

Q. Do you know how many letters you have on file preferring charges against the men?—A. I don't.

Q. Don't you know you preferred charges against Mr. A. D. Wilcox, and that you had him dismissed from the service?—A. I don't know it.

Q. Isn't it a fact?—A. No, sir; it is not. Do you mean that I went and preferred charges against him myself? If there is any letter I have written, it is on file in the Pension Office, and wherever my name is I never deny it; but that I voluntarily made charges against any man that ever served in the office with me, I say it is absolutely false.

Q. If there is a letter in the Pension Office or the Interior Department in which you make voluntary charges so far as the face of the letter goes, and statements affecting the character of the man in the same division with you, is that a genuine letter?—A. Produce the letter and let me see, and I will tell you whether it is mine or not.

Q. I will ask you if you made charges against Mr. Wilcox?—A. I will say I never preferred charges against any man. If I wrote any letter, the letter will show when it was written and why it was written, and there is no letter in the Department that the records of the Department will not confirm.

Q. Did the letters which you have written on this subject show upon what you base your statements?—A. What letters?

Q. Any letters you may have written?—A. I would like to have you confine your questions to some definite subject.

Q. I will say in Mr. Wilcox's case?—A. I don't recollect anything about that.

Q. If there is a letter in his case signed George W. Wayson, jr.——A. I wrote it.

Q. And preferring charges against him, you wrote it?—A. Yes, sir; if my name is on it.

Q. If it contains nothing to support your statement, except your own statement, you voluntarily made it, didn't you?—A. No, sir. Have you called for the papers? I will say there is no statement of mine in regard to any man which the records of the Bureau do not bear out. Will you permit me to make an explanation?

Q. Certainly.—A. In November, 1886, coming in from the field as special examiner and assigned to duty in the special examination division on the criminal desk, the gentleman acting as assistant chief was taken sick and afterwards transferred to another division, and in his custody were what was called the confidential files of the special examining division. I succeeded to his place, and those files passed into my hands. At the time you refer to in regard to Mr. Wilcox, the administration having changed, a gentleman came in as acting chief of the special examining division, and he told me he wanted all the information I possessed in regard to those files, and all communications bearing my signature in regard to Pension Office employés of matters that came into my notice, and passed through my hands and delivered by their orders.

Judge PAYSON. Your superiors?

A. Yes, sir.

By Mr. ENLOE:

Q, Do you remember anything specifically as to Mr. Wilcox's case?—A. I remember that a gentleman called on me for everything in the cases, including Mr. Wilcox's.

Q. If there are any statements there over your signature preferring charges against Mr. Wilcox——A. Don't put it that way.

Q. I ask you the question, if there is a letter in the Interior Department from you preferring charges against Mr. Wilcox of your own personal knowledge, is that true?—A. Why, certainly, it is true. You don't suppose that I would willfully and deliberately make a false statement, do you, in regard to that?

Q. I think there is some doubt about it. Now I ask you if you didn't prefer charges, as of your own knowledge, against Mr. Wilcox, to secure his removal?—A. I say no.

Q. Now I will ask you if you didn't, in those charges, represent that you had found out certain facts in regard to Mr. Wilcox, upon a visit you made to Sioux City, while he was stationed there as a special examiner?—A. No, sir.

Q. You deny that?—A. I do, most emphatically. Mr. Wilcox and I were together only a few minutes and I saw him there, I forgot the name of the hotel—I worked in an adjoining district.

Q. You deny that you preferred charges against him, as of your own knowledge?—A. Yes, sir.

Q. What amount of salary were you receiving when you were borrowing money from these men in your division?—A. At what time do you refer to?

Q. Any time that you were acting as assistant chief of the special examination division.—A. I have been acting as assistant chief at 12, 14, 16, and 18 hundred dollars.

Q. Were you not generally receiving more compensation than persons you were borrowing money from?—A. Not at all times; no, sir.

Q. Did you ever write any letters to Theodore Smith while he was acting chief of the special examination division for the purpose of effecting the removal of clerks and examiners then in the division?—A. No, sir; any letter that I wrote will show for itself why it was written. I don't propose to be put in any such position as your questions will now seem to be leading to put me. I occupied there a very peculiar position indeed.

Judge PAYSON. Never mind going into all of that. Just answer the question.

By Mr. ENLOE:

Q. Didn't you write a number of letters in regard to special examiners in the field, which were indorsed by Theodore Smith and referred to the Secretary of the Interior for his action?—A. I wrote a good many letters. I couldn't tell you what was done with them.

Q. You did write a good many letters at Mr. Smith's request?—A. I wrote a good many letters at Mr. Smith's request, and the letters will show for themselves. I don't know what he did with the letters.

Q. Did he request you to write those letters?—A. Yes, sir; and they will so state.

Q. Did he state to you his reasons for having those letters written?—A. He didn't state any.

Q. Didn't he ask you to aid him in getting rid of the force in the field, by hunting up every charge that had been made, whether sustained or not?—A. No, sir.

Q. Did you ever know a special examiner to go into the field and stay a month or six weeks that didn't have some charges preferred against him by somebody?—A. Yes, sir.

Q. Do you know one?—A. Yes, sir.

Q. Do you know of one in the office now who never had?—A. Yes, sir.

Q. Who?—A. The gentleman is in this room, I think.

Q. Who is it?—A. Mr. Sprague. I don't think that there were ever any charges made against him. It is a very difficult matter to go into the field and do your duty without having charges made against you.

Q. It is a general thing, is it?—A. Yes, sir; there is a great deal of fault-finding about nothing, and a great many have been examined, and I have files in my possession showing that they were unfounded.

Q. Didn't you go to those files and under the direction of Theodore Smith write letters asking for the removal of these people that I referred to?—A. No, sir.

Q. On charges that had been filed there and no action taken or charges that had been refuted?—A. No, sir.

Q. Where did you get the information from which you filed the charges on?—A. From papers in my custody. They were in my hands and he asked me for statements of what those files contained.

Q. And you furnished whatever was in the files respecting the character of these men?—A. Yes, sir.

Q. Regardless of whether they had been investigated or disproved or not?—A. The reports and all were there together.

Q. Didn't he tell you he wanted to get rid of these fellows and get them out of there?—A. No, sir.

Q He didn't give you his reasons for it?—A. No, sir; he did not. Mr. Smith wrote a great many letters himself.

The CHAIRMAN. What capacity was he in then?

A. Chief of the division.

By Mr. ENLOE:

Q. And you wrote the letters on his direction?—A. Yes, sir.

Q. And you say you found those things in the files?—A. I certainly did.

Q. How long did you remain there until after Mr. Smith went out?—A. I remained there until last April, sir, and I asked the Commissioner to send me into the field.

Q. In the same position?—A. Yes, sir; in the same position.

Q. Who was your chief after that?—A. Gen. Butterfield.

Q. Did he ask you to write any such letters as Smith did?—A. He did not, sir.

Q. What were your relations with Mr. Smith outside of your official relations?—A. None at all, sir; I had no acquaintance with him at all.

Q. Only met him as an official?—A. That is all, sir. I may have met him on the street or played a game of billiards with him.

Q. Ever loan him any money or borrow any money from him?—A. Yes, sir; both.

Q. On sufficiently intimate terms to contract financial obligations?—A. I knew him long before he came in there. He was a supervising examiner and a special examiner. He worked under me and I under him.

Q. You had been pretty good friends?—A. No, sir; there was no intimacy. He worked in Baltimore and in Ohio and different points. We never worked in adjoining districts; never met on terms of intimacy at all.

Q. Do you know whether or not these letters were written asking the removal of men who were objectionable to Mr. Smith?—A. That I can not say. Some of them I believe were objectionable to Mr. Smith. Mr. Smith himself can answer these things better than I can. What his feelings were towards any man I don't know and I never inquired.

Q. Do you know about how many of those letters you wrote?—A. I don't, sir.

Q. Do you happen to know whether or not these letters were written, most of them, against Democratic examiners?—A. The majority of them were supposed to be of Democratic politics.

Q. About what proportion of Democrats and what proportion of Republicans?—A. That would be purely guesswork.

Q. A considerable majority of them?—A. I think the bulk of the per cent were men of opposite political faith to the administration.

Q. Didn't you understand his object was to get those Democrats out and get Republicans in?—A. He never told me that and I would not say unless he did.

Q. I am asking you what your impressions were.

Judge PAYSON. That is incompetent.

Mr. ENLOE. Were you acting in good faith in writing those letters?

A. In good faith to the extent that I was carrying out the order of my superior officer, which I shall do regardless of whether he is a nice man or otherwise.

By the CHAIRMAN:

Q. Did you get any impression from the manner in which that business was done, or from any conversation you had with Mr. Smith, and from the staleness of the charges found in the files if they were so, that he was doing this work for the purpose of getting the Democrats out?—A. I had no such understanding from him or any one.

Q. Nor from these surrounding circumstances?—A. You could infer that, I presume.

Q. Did you infer it?—A. I did not. He simply said, "I want the statements from you in regard to those files."

By Mr. LITTLE:

Q. What makes you think that the judge might infer that if you didn't?—A. From the number of men who were discharged.

Q. Where does the distinction come in?—A. I said from the fact that the number of men dismissed and the majority of them were Democrats.

By Mr. ENLOE:

Q. You didn't draw any such conclusion?—A. No, sir; it was not in my mind.

Q. You can answer the question, can't you?—A. I said no, sir.

Judge PAYSON. That was in the Tanner administration?—A. Yes, sir; not under Gen. Raum at all.

By Mr. ENLOE:

Q. Did you go to Harrisburg, Pa., at any time to investigate charges against Chas. B. Mayer, a special examiner there?—A. Yes, sir.

Q. Where is that report?—A. I suppose it is in the Department.

Judge PAYSON. Who is he?—A. He is a clerk in the office. I want to say further that not withstanding there are other special examiners to examine charges against men in the office, the majority of them are handed over to me to look up, both under Gen. Black and Mr. Tanner and the present administration as far as they have been made.

Q. Did you come here to visit Commissioner Raum at the Government's expense, from Wilkesbarre, Pa., when you had no authority to do so?—A. Never came to visit Gen. Raum from Wilkesbarre at all; have never been there since he has been in the Pension Office.

Q. Who has been attending to the examination of cases in that vicinity?—A. I don't know, sir; I have never been there; I was assigned to go, but didn't go.

Q. Why didn't you?—A. Because I came from Philadelphia down to see the Commissioner, and I told him I didn't want to go, and I didn't go.

Q. Did the Government pay your expenses?—A. No, sir, indeed; the Government did not pay a single cent.

Q. Did the Commissioner change your assignment?—A. Yes, sir, and subsequently changed me again; I work in New Jersey and the State of Delaware now; my headquarters are in Philadelphia; I am there only once in three weeks, about.

Q. Didn't you take a letter to Commissioner Black from a friend of yours in Pennsylvania, a prominent Maryland attorney, stating you were an energetic, hard-working young Democrat, and asking that you be promoted? In Maryland, I mean.—A. No, sir; I never filed a single indorsement of any kind to Gen. Black. If there are any there I have no knowledge of them in any way, shape, or form.

Q. Didn't a man by the name of Heron write that letter?—A. If he did I never saw it and never heard of it. Gen. Black knew differently from that.

Judge PAYSON. He knew you were a Republican?—A. Yes, sir.

By Mr. ENLOE:

Q. Didn't he write a letter on that subject, asking that you be promoted, to Gen. Black, and didn't you deliver it to D. T. Murphy?—A. No, sir.

Q. Didn't you deliver that letter in that way?—A. No, sir; never saw such a letter and never knew it was written. I was promoted from $1,200 to $1,400 on the recommendation of Mr. Ireland; from $1,400 to $1,600 on the recommendation of Mr. Murphy. There was no other indorsement of any kind so far as I ever knew anything about it, and none that I ever filed. I was promoted from $1,600 to $1,800 on the recommendation of Dr. Guentsch, who was then chief of the S. E. Division. It was also signed by all the Democratic supervising examiners there.

Q. I asked you about some of your trips the other day?—A. Yes, sir; and I answered you.

Q. April 3, 1890, it seems you started out to take some depositions. Will you look at your daily reports there?—A. They are not mine sir; and that is not my writing.

Q. And expense account?—A. That is not my writing at all, sir.

Q. I will ask you——A. I can not tell you about this; it is not my writing.

Q. Look at that, then, and see if you can tell about it [hands statement to witness]?—A. All right, sir; now, what is it you want to know about this?

Q. I want to know where you went and how many depositions you took?—A. The report will show that.

Q. Look at that and see and answer the question?

(Witness examines report.)

A. These show two.

Q. Two depositions?—A. Yes, sir.

Judge PAYSON. Was that the South Carolina trip?

A. No, sir; it is out in Dakota and Montana.

Mr. ENLOE. State what route you traveled from here to Dakota and back?

A. "April 3rd, Baltimore, Washington and Baltimore" [witness reading from daily reports.]

Q. Give the route you traveled and what places you visited in going to that point.—A. You want me to go through the daily report and read each one of them?

Q. Yes, sir; I do.

5th, Baltimore, New York.

Judge PAYSON. Do you intend to put these in the record?

Mr. ENLOE. No, sir; I don't want to put them all in, it will take up too much space.

WITNESS (Reading):

5th, New York and Brooklyn and New York; 6th, New York; 7th, New York, Brooklyn and Philadelphia; 8th, Philadelphia, Lewiston and Altoona; 9th, Altoona and Pittsburg, en route to Chicago; 10th, Chicago; 11th, Chicago and en route to Fort Pierre, S. D.; 12th, en route Fort Pierre and arrived there at 7:35 on the 12th; 13th, Pierre; 14th, Pierre and Fort Sully, S. D.; 15th, Pierre and Aberdeen, en route to Fort Assiniboine, Montana; 16th, Aberdeen and Wahpeton, S. and N. Dakota, en route to Fort Assiniboine; 17th, Wahpeton and Fargo; 18th, to Fargo en route; 19th, to Fort Assiniboine, en route to Sioux City, Iowa; 20th, en route; this was on Sunday; Monday, the 21st, St. Paul, and en route to Sioux City; 22nd, en route to Sioux City; 23d, Sioux City and en route to Fort Dodge; 24th, Fort Dodge; 25th, Fort Dodge and en route to Chicago; 26th, en route to Chicago; 27th, at Chicago; 28th, Chicago; 29th, Chicago, en route to Wilmington, en route to Philadelphia.

Q. What were you doing on that trip?—A. I was investigating the charge of false impersonation growing out of a case that a man had by the name of Christian, who was pensioned in Michigan under the name of Christian, and a man who claimed to be that person filed a claim from

Cherokee, Iowa. The case came in from the western district, and that is Mr. Greenawalt's district, but it was looked up by myself and Mr. Cutler in Michigan. We investigated it. Mr. Cutler looked it up in Michigan and it was finally sent in the way I have just read you. There was a discussion about it in the office, and it was finally decided, as it was a criminal case and it would require the testimony of each of these people, require the sending of correspondence to all of these special examiners—and they finally decided that time would be saved by one man making the entire investigation, and Mr. Greenawalt said he would go, and it was turned over to him; but he said finally he wouldn't go, and it was turned over by the Commissioner of Pensions to me and the matter was investigated and the man arrested and pleaded guilty, and is now serving his time in Iowa.

Judge PAYSON. What you did do received the approval of your chief and the Commissioner of Pensions?—A. Yes, sir.

Q. Did your action receive the approval of anybody else?—A. Yes, sir; it also received the approval of the United States attorney at Fort Dudley.

Mr. BROSIUS. When was it that occurred?

A. In 1890, I think.

By Mr. ENLOE:

Q. Wasn't there an examiner in Sioux City?—A. I think not.

Q. Wasn't Mr. F. P. Noble there?—A. No, sir; he was in Webster City, Iowa; and he and I were together in the case, and we went together and found him and we rode together in a wagon for 16 miles.

Q. Why didn't he investigate this case?—A. I don't know, sir.

Q. Wasn't this a little excursion for you?—A. No, sir.

Q. Wasn't this a little friendly jaunt you were sent on by your friend Theodore Smith?—A. No, sir.

Q. Couldn't this man have taken this testimony and looked after this matter—Mr. Noble?—A. I don't know; I regarded him as a competent man; I know nothing to the contrary; but he would have had to come away back to New York, and it was deemed advisable that one man should make the entire investigation outside of what was done in Michigan. I had the work assigned to me. It was a Regular Army service, and the officers were at different places, and we had to have the officers at Fort Dodge, Iowa. They were there to go on the stand, but the man pleaded guilty and they were not needed.

Q. You were sent out to take this testimony, which could have been taken by special examiners located at those points—located at points accessible to where this information could have been had?—A. I couldn't tell that, sir; I don't recollect where the men were situated in 1890. My impression is the nearest man to Montana and Dakota was in Denver, Colo., and out in California. Of course the man in Sioux City could have done the Iowa work, and the man in Philadelphia done the Pennsylvania work, and the man in New York do the New York work, and the man in Altoona do the Altoona work, and it could have gone to each place to different men, but it would have cost more money than it did cost for me to do the whole work.

Mr. LIND. As a matter of observation on your part, would it be practicable to send out a dozen different men to interview a dozen men to establish the identity of one man.

A. It is possible; yes, sir.

Q. Would it be practicable?—A. Hardly. The first thing was to identify the two men, and our object was not to carry too many wit-

nesses out to Fort Dodge, and we wanted to get the best men we could get for those we did take out there. We wanted to make the case sure and certain of a conviction.

Q. When you started out did you have any proof of the identity of this man?—A. Not a particle, sir.

Q. How did you obtain that proof, by getting accurate personal descriptions and going out and interviewing people at the different posts?—A. We had his description from the records at the War Department, and from that I asked the different persons if they could identify him, and some said they could not recollect him at all, it was so long ago.

Judge PAYSON. After canvassing the method of which this transaction or this prosecution should be carried on, it was determined by your superiors that you should do it, and you were directed to do it?

A. Yes, sir.

By Mr. ENLOE:

Q. Isn't it a fact that in the investigation of those cases it is frequently the case that the testimony necessary to establish the identity of a soldier and to prove his services happens to be from witnesses who were located in different sections of the country, and that information is sought for by one examiner here and another there, and another there?—A. Yes, sir; very frequently the case where the only question is that of identity; but where a criminal matter is under investigation they select some man to do all the work.

Q. They never intrusted that to local examiners?—A. In different places the office has usually determined upon one man to make certain line of inquiry.

Q. Do you know whether or not you were a criminal examiner at that time?—A. I don't know as I ever established a reputation as a criminal examiner.

Q. Were you sent out as a criminal examiner in this case?—A. Yes, sir; I suppose so.

Q. These men stationed at these points were not capable of doing it?—A. I don't say that. I was simply ordered to do it and I did it.

Q. It is not a question as to your obeying orders. I am trying to get the facts as to whether it was necessary for you to take this trip.—A. I was giving you all the information I had, and anything further you must get from my superior officers who ordered me to do the work.

Q. Was there anybody at Baltimore who knew anything about it?—A. I don't recollect.

Q. Now you took two depositions on that trip. One of them was a deposition taken at Fort Sully, in South Dakota?—A. Yes, sir; Capt. McGowan, if I recollect right.

Q. Now couldn't Mr. Noble, who was stationed in that section of the country, have taken that deposition as well as you could?—A. He was in Webster City, Iowa; that was in Fort Sully, S. Dak., 25 miles to the nearest railroad station.

Judge PAYSON. Couldn't you have sent a justice of the peace to do it?

A. I suppose so, sir.

By Mr. ENLOE:

Q. You know what the average cost was of taking depositions under the administration of Gen. Black?—A. I can't tell you, sir. There used to be a good deal of competition there in the various districts to see which district could turn out the most work with the least expense.

Q. It appears from your expense account that it cost $225.11 to take

three depositions and report three cases?—A. I didn't only take those three depositions. There are a great many men called upon and interviewed who didn't testify about it. Called and said their name was John Smith or Henry Brown or something of that kind, and I didn't think it was necessary for me to carry in all those statements or make a detailed report about it. They didn't know anything about the case. I simply said that those were the depositions taken.

Q. Now the average cost of depositions under Gen. Black I find was $12.51?—A. I want to say I made as many investigations under his administration as any other.

Q. I made a mistake there. I mean the average cost of cases and the average cost of depositions, was $2.51, and the average cost of cases, $12.51.

Judge PAYSON. Who is going to swear to that?

Mr. ENLOE. These are the official figures from the record, and I am of the opinion that this man went on an official trip, which was merely a pleasure trip gotten up by Mr. Smith for his friend to send him out of the office for a little while.

Q. I will ask about another trip I asked you about the other day; that is, when you went to Charleston, S. C., and also Columbia and Charlotte?—A. I went wherever the investigation was to be made.

Q. I see on that trip your expense accounts show a per diem of $27, traveling expenses $56.31, and I asked what it was you went to investigate, and also what you proved?—A. I went to investigate the accounts of special examiners supposed to be dishonest. My report shows.

By Judge PAYSON:

Q. In what way?—A. In his expense account.

Q. Rendering false vouchers?—A. Yes, sir; and the man was dismissed and subsequently reinstated.

By Mr. ENLOE:

Q. There was some doubt about whether a charge for a livery bill amounting to $1.50 was correct.—A. That was part of it.

Q. And you spent $83.50 to get the man turned out for what was alleged to be a false statement of his account, and the gentleman was not able to prove it was not false?—A. No, sir.

Q. Why was he reinstated?—A. I don't know.

Q. When was he reinstated?—A. I don't know that.

Q. What is his name?—A. I can give you his name, but I would rather not.

Q. I want to know what his name is.—A. His name is E. M. Clark.

Q. Is he in the Pension Office now?—A. I don't know, sir.

Q. I will ask you this question; you feel it is your duty to shield men in the Government service by concealing information you have about them?—A. No, sir.

Q. Was Mr. Spangler in your division?—A. He was at one time; yes, sir.

Q. Did you borrow any money from him?—A. I did; and part of it has been paid and part of it has not.

Q. You are still indebted to him, then?—A. Yes, sir.

Q. He wasn't mentioned when you mentioned the list a while ago?—A. No, sir.

Q. You had forgotten him?—A. I can't recollect all of them. All I can say is this, that I am in debt, and I am paying it as fast as I can.

Q. You can't recollect all you are indebted to, but you can recollect all you have loaned money to?—A. No, sir.

Q. Has Mr. Spangler been giving you any trouble about that?—A. No, sir.

Q. Have you ever tried to punish any men there for trying to collect debts from you?—A. No, sir; never did such thing in my life, and the records in the office will show it.

Q. Did you try through your official position to influence the position or anything of that kind of Mr. Mayer, on account of his efforts to collect a debt from you?—A. Never knew he had suffered. So far as I know, he is one of my warmest friends.

Q. Are you in debt to him?—A. No, sir. He loaned me $25 once, when I was going to Kentucky, and I paid him right after that. He is in the postal service now, or was the last time I knew anything about him.

Q. Did you try to reduce Eager's position or rank in the office?—A. No, sir; not in the slightest. His emnity towards me is based on the fact of his recall from the field service, and with which I had nothing to do, either directly or indirectly, and, on the contrary, I tried to have it put off. He is in the service to-day, and was appointed in the service at my request. He went to Kentucky and came back. He was dismissed under Gen. Black.

Q. Are you in debt to him? Were you at the time you asked for his appointment?—A. No, sir; he has been discharged from the service over a year——

Q. He had loaned you money before you asked for his appointment?—A. He was in one division and I was in another.

Q. Afterwards, when you became assistant chief of the special examination division, and he wanted an appointment, you recommended that he be reinstated?—A. Yes, sir. Everybody else was fighting the man. Mr. Theodore Smith and everybody who knew him were against him, and they have told me since I ought to have been licked for asking for his appointment. I never did him an injury in any way.

Q. Have you paid him what you owe him?—A. Yes, sir.

Q. Did you have any feeling about it at the time?—A. No, sir; never had any feeling in paying what I honestly owe, except the feeling that I can't do it any faster than I do; but there is no man living who can say I ever received any compensation for any official acts that I ever performed.

Mr. BROSIUS. Except your regular salary?

A. Yes, sir.

By Mr. ENLOE:

Q. Did you pay him by the recommendation?—A. No, sir. I paid him in solid dollars. I paid him in the same metal I got from him, sir; in good money.

By Judge PAYSON:

Q. This investigation in this matter in South Carolina, where a special examiner was charged with drawing false vouchers on his expense account, was that investigation at your solicitation?—A. No, sir.

Q. You were ordered to do it?—A. Yes, sir.

Q. You did it, and found out what there was about it and reported it to the Commissioner?—A. Yes, sir.

Q. And that was all you had to do with it?—A. Yes, sir.

By Mr. DUNGAN:

Q. When you were on the stand the other day your attention was

called to a lot of letters that you had procured to be written to the Commissioner in answer to the charge in the New York Herald?—A. Yes, sir.

Q. And you filed those letters, intending by them to make proof that there was no pecuniary obligations between you and the men who wrote the letters?—A. Not at all, sir. I filed those letters to answer the charge that I had borrowed money and divided it with Gen. Raum.

Q. None of the letters spoke of any pecuniary obligations you were under?—A. I don't think so.

Q. And yet a part of the writers of those letters at the time you procured those statements had put you under pecuniary obligations?—A. I think some of them. I was under obligations, I think, to Mr. Mayer and Mr. Sprague, and I am not sure whether I owed Capt. Fritz or not.

Q. Can you explain to the committee how the writers of those letters came to omit all mention of any indorsement on your papers?—A. I understand Mr. Ellis's communication had nothing to do with that whatever in any way.

Q. Mr. Brooks now says when he wrote that letter he was your endorser?—A. He may have been. I don't know.

Q. In writing the letters for that information did you say to them what points you wanted to make?—A. No, sir; I simply called their attention to the article and that the Commissioner demanded that I make a reply, and I submitted a letter to them, and for that reason I submitted it to the Commissioner. He said, "You write a letter and bring it to me and I will approve it before it goes out; that is, if it should be approved."

Q. Were the letters all just the same?—A. Yes, sir.

Q. Each one of them?—A. Every one of them identical.

Q. No change in that at all?—A. No suggestion from me as to what they should say at all, sir.

Q. Yet, each one of these letters were so written that they denied specifically everything stated except the matter of indorsement, and they omit to mention that at all, and yet you had nothing to do with the writing of the letter?—A. No, sir; I had nothing to do with it in any shape whatever. Those men were all away from Washington at the time.

By Mr. ENLOE:

Q. Did you write either of them a letter calling their attention to the matter and asking a reply?—A. No, sir; I had no communication with them except the official communication that went from the Commissioner's desk.

Q. Were you in the habit of getting money by indorsement through Mr. Latourette?—A. No, sir.

Q. How often did you borrow money from him?—A. Three times, sir; and I am very sorry that I did, because it has given me a great deal of trouble.

Q. Do you know how much?—A. I think the first transaction was $125, the second I think was a note of $150, and the third was $165.

Mr. LIND. Was it the same indebtedness all the while?

A. Part of it was and part of it was not, and which I had paid 10 per cent interest.

The CHAIRMAN. Ten per cent a month?

A. Yes, sir; 10 per cent per month, and I tell you it is a pretty heavy task too.

By Mr. BROSIUS:

Q. You say the habit prevails in the Departments, among employés, to borrow money from each other?—A. Yes, sir.

Q. How frequently do they do that, about?—A. It is a very general thing, sir, for one clerk to borrow from another, and frequently it would run from one pay day to another.

Q. How frequently are they paid?—A. They generally run from one pay day to another.

Q. Over two weeks?—A. Yes, sir. We are paid every two weeks, and sometimes a fellow would run short before the next pay day and he would borrow $5 or $10 dollars or whatever he wanted, and pay it on the next pay day.

TESTIMONY OF GREEN B. RAUM, Jr.—Recalled.

GREEN B. RAUM, jr., recalled at his own request, testified as follows:

By Judge PAYSON:

Q. In your own way, Mr. Raum, state to the committee in regard to these affidavits with reference to Howard and Engle?—A. I simply wish to make a reply showing what my relations were in regard to those men while I was in the office. I have already made a reply denying the charges, but I have not stated in these papers what my relations were with these persons. I want to show how improbable it was that I should have any intimate relations with either Howard or Engle. I became acquainted with Engle through an anonymous communication which was placed in my hands for investigation. It was claimed in this paper that he was a disreputable man, and doing improper things in connection with his duties in the Pension Bureau. Engle was a rerater, and therefore at that time in bad odium. It is alleged that he was drinking during office hours while at his desk, and I learned he was frequently absent from his desk in the office, and was engaged in drinking in the various saloons around town. Upon investigation I learned that to be truthful, and I recommended his dismissal. He was dismissed, and remained out of office for several months; I don't know how long.

At that time he didn't have the respect or confidence of the Commissioner of Pensions, and did not have it afterwards, nor my respect. Nor has he to this day, and I don't think he has the respect of anybody. He laid around, and Gen. Bussey became interested in him, I think, through Engle's wife, and insisted upon it that he should be reinstated. I think there is no question but what the Commissioner protested against his reinstatement, but Gen. Bussey seemed interested to such an extent and insisted upon it that he was finally reinstated at $1,400 per annum, and afterwards at the urgent request of Gen. Bussey again, the Commissioner of Pensions protesting, he was promoted to $1,600 per annum. I never had any intimate acquaintance with him in the office or out of the office. After I left the office he tried to impress upon me the idea that he had been perfectly friendly to the Commissioner, and among other things he stated to me the Secretary of the Interior had told him that Theodore Smith had written a letter that caused his dismissal, and I told him at the time that I was solely responsible for his dismissal myself. I had made the investigation in regard to the matter, and had recommended his dismissal. Of course, I have denied in this affidavit

that I ever offered to do anything for him under any circumstances at all for any consideration or without it.

Q. You still say so?—A. Yes, sir; and I simply want to say I never had any respect for Engle, and I have not at this time. I don't think he is a respectable man, and I don't think his wife has any respect for him, and therefore it would be ridiculous that I should go to him for money. Friends, plenty of friends, that I can get money from if I want it, and I have some friends in the office yet.

Q. You deny the things claimed in this affidavit?—A. Yes, sir.

Q. Did you ever have any such things occur as related in these affidavits in regard to Howard?—A. No, sir; not in any way whatever. I simply want to state the reasons why Howard joined with Engle in making this statement against me. While I was in the office I learned from an anonymous communication, and I afterwards had the contents confirmed by investigation, that Howard had said very disrespectful things of the Commissioner of Pensions, my father. After I left the office Howard came to me and assured me that nothing of the sort ever happened, and on one occasion, while I was lunching on Seventh and G streets, he came to me and made a proposition by which I was to secure the possession of some 3,000 pension cases, which had been represented by a man now in the Pension Bureau. He said he had the evidence to have the man, who at that time held the cases, disbarred, and that this man Deidrick, in the Pension Bureau, would transfer those cases to him, and we were, according to his offer, to divide the fees that would accrue from these pension cases—Deidrick to receive some, and Howard some, and I was to receive the major part of it. I never gave that matter any consideration.

Mr. DUNGAN. What did you say to him right then?

A. I didn't say anything to him.

Judge PAYSON. Did you accept or decline it?

A. I didn't know what the offer was until he made a memorandum of it, and I kept that memorandum. But I turned to a friend of mine who was with me and made a remark that was not very complimentary to Mr. Howard.

Mr. DUNGAN. That conversation was in the presence of a third person?—

A. Yes, sir.

By Mr. ENLOE:

Q. Where is the memorandum?—A. I have it. I can procure it. I have it in my possession now and can procure it later on. I understood Howard had made the same proposition to a claim agent by the name of Okey here in the city, and I think the reason why he joined with Engle in making this statement against me was because he took alarm because I avoided him, and for the further reason he found Okey wouldn't take up with this matter and Okey was an acquaintance of Lineaweaver, who was the private secretary or stenographer to the Commissioner of Pensions. I think for this reason he joined with Engle against me.

Q. Who was the third person who heard this statement?—A. A young friend of mine in the Government service.

Q. What is his name?—A. I don't think he ought to be brought into the controversy.

Q. We want his name.—A. I decline to answer the question, Mr. Enloe.

Judge PAYSON. I think it is your duty to answer it. I think it is perfectly proper.

By Mr. ENLOE:

Q. What is his name?—A. Well, I shall at least decide for the present not to answer the question without consultation.

Q. You decline then, notwithstanding the advice of your counsel?—A. Yes, sir; until after I consult with him. I simply made the statement to the young man that I considered Howard a scoundrel.

Q. Would it be a disgrace to him?—A. No, sir.

Q. You don't think it would be any reflection upon your friend to have it shown that he is a friend of yours?—A. No, sir.

Q. What reason is there why you shouldn't give his name now?—A. I don't think it is of any moment.

Q. We think it is, both the committee and your counsel.—A. I simply disagree with you.

Q. You disagree with your counsel, too?—A. Yes, sir. I can furnish it, but I don't propose to have this friend of mine dragged before the committee in a matter of that sort.

Q. Was it a male friend or female friend?—A. Male friend.

Q. White or black?—A. A white man; quite as white as you are, and possibly more so.

Q. You don't think it would discredit him because he was associating with you at the time?—A. No, sir; I don't think so.

Q. It is not because you think he would be afraid to come before the committee?—A. No; not in the least.

Q. You don't think he would be disgraced to come before this committee?—A. I don't know.

Q. Do you think it would disgrace him to have him come here?—A. No, sir.

Q. Do you want to consult him?—A. No, sir. I have a statement under oath in relation to that matter.

Q. Is it one of these?—A. No, sir.

Q. Why didn't you file his, then?—A. Because I didn't care to do so.

By Mr. DUNGAN:

Q. When was that taken?—A. I made an affidavit at the time covering this proposition made to me by Howard, and we afterwards learned that Okey had received the same sort of proposition and made an affidavit and they placed his instead of mine. I have an affidavit from this young man of the statements I made to him.

Q. Is he the son of a prominent official of the Government?—A. No, sir.

Q. How shortly after the occurrence was the affidavit made, yours and his?—A. They were made at the same time. I think the same day he made the proposition, sir.

Q. How soon after the occurrence between you and Howard?—A. A few weeks.

By Judge PAYSON:

Q. I think in justice to yourself, Mr. Raum, and in justice to your father, you ought to give the name of that young man.—A. I don't care to have him dragged in here.

Q. You came in here to contradict Howard and Engle, and in doing so you mentioned his name?—A. I will give you his name. It is Arthur Cranston. He lives near us, and he and I are intimate friends.

By Mr. ENLOE:

Q. You say you didn't have anything to do with Mr. Engle; we are

to understand you wouldn't hold any social relations with Mr. Engle in any way?—A. No, I never associated with him.

Q. You regarded him as a disreputable man?—A. Yes, sir.

Q. When he was dismissed from the office and afterwards?—A. Yes, sir; all the time I knew him.

Q. You investigated this anonymous letter?—A. Yes, sir.

Q. You believed those letters were true?—A. Yes, sir.

Q. And you say that he would have been turned out if Gen. Bussey had not interfered?—A. He was dismissed.

Q. Gen. Bussey interceded for him?—A. Yes, sir; for his reinstatement.

Q. You stated he did that through the influence of Mr. Engle's wife?—A. I suppose that was the reason.

Q. You said so?—A. Yes, sir.

Q. You said afterwards you didn't think his wife had any respect for him.—A. From what I heard.

Q. Does that grow out of the fact that Gen. Bussey yielded to her influence?—A. No, sir; I didn't mean that at all. I didn't wish to cast any reflections on his wife at all. I understood she is a very estimable woman.

The CHAIRMAN. If she has no respect for him why should she solicit his return to office, if you know?—A. That is rather a hard question to answer, but I will answer it in this way: That I think there are a great many women who still live under the same roof with their husbands who have no respect for them or love for them.

By Mr. ENLOE:

Q. You mean by that there are a large number of women who have no respect for their husbands?—A. Yes, sir; and that is the way I looked at this matter of Engle's.

Q. You mean that there are a great many women living under the same roofs with their husbands who have no respect for them?—A. I do mean that, sir.

Q. How many women do you know in that condition?—A. I don't know as I enjoy the acquaintance of any of them.

Q. That statement of yours is a little broad, is it not?—A. I don't see how that has anything to do with it. I perhaps made that statement about Mrs. Engle without proper foundation, and I withdraw it now.

Q. Haven't you also made statements with regard to Mr. Engle without proper foundation?—A. Here?

Q. Yes, sir.—A. No, sir.

Q. You have stated that you regarded him as a disreputable man. I will ask you if you didn't attend a dinner at Schwing & Clarke's, given by Mr. Engle on his reinstatement to office, and if there were not present quite a number of officials of the office?—A. I don't think that dinner took place there.

Q. I ask you if you attended a dinner given by him.—A. I attended a dinner at a restaurant which was on the invitation of Mr. Engle.

Q. That was after his reinstatement to office.—A. Yes, sir; long after.

Q. And after you came to the conclusion that he was a disreputable man?—A. I will say this in regard to the matter. In that matter I did that for a reason.

Q. Didn't you state a moment ago that from the time you became acquainted with him you came to the conclusion that he was a disrep-

utable man and give that as your reason for not associating with him? Please give your reason for associating with him at this time and accepting his invitation to luncheon.—A. I never associated with him I accepted his invitation to luncheon that day simply because there was a number of other officials of the Bureau invited, and one or two asked me to go over, and I didn't think they were going to have anything like the luncheon set out for us. I did it possibly for policy more than anything else.

Q. Were you hungry at that time?—A. No, sir; I was not.

Q. Do you think it is proper to accept the hospitality of a man for whom you have no respect?—A. I did it on that occasion for policy.

Q. How many drinks have you taken with him for policy since that?—A. I have never taken a drink with him. I have taken a drink since then, but not with him.

Q. In company with other persons?—A. Yes, sir.

Q. But not with Engle?—A. No, sir.

Q. What matter of policy was in your mind at the time you accepted his hospitality?—A. I don't know as I can answer that question without thinking it over, but I think it was based on policy.

Q. You don't know what matter of policy was in your mind or what you thought required the act of policy?—A. I will tell you that Mr. Engle was working in the office, and during the time I was there I tried to have the friendship of everyone, no matter whether he was the chief of the division or a clerk; and I felt when he asked me to luncheon I admit I was very much surprised, and I thought it would be better policy to accept the invitation, because he would be offended if I did not.

Q. You didn't want to offend anyone in the Pension Office?—A. No, sir; no desire to get the enmity of anyone.

Q. Did you have any reason for wanting to be on good terms with people in the Pension Office?—A. I wanted to be popular with them.

Q. Did you authorize Mr. Barker to go around and borrow money on paper he indorsed for you?—A. In the Pension Office? No, sir.

Q. Do you know anything about the matter Maj. Barker testified to where he said he carried a note to Mrs. Fithian?—A. I think I have answered in regard to that.

Q. This is a three hundred dollar transaction?—A. I didn't expect to be interrogated on that matter when I came on the stand, but I will let you have it.

Q. Let us have it.—A. When Maj. Barker first came there I was quite intimate with him, and I think from the time he landed, and some months after he was installed in office, and he stated to me he would be very glad to have the note discounted for me for $600 if I required it, and I fixed the note at $300 and he told me he would have it discounted at his bank. I understood he was banking at the Columbia National Bank in this city. The major took my note and said he would attend to it at once. He was absent two or three days and didn't return to my room again, and when he did return I asked him about it and he said he would attend to it at once. So that afternoon when I was sitting at my desk Mrs. Fithian came down there with her satchel in her hand and began to count and hand out the money. She stated the major had requested her to pay me the $300, and I think she said she had $100 there and would pay the next later, the next day, possibly. I told her I didn't want her money and would be obliged if she would leave the room. I stated that I had not requested Maj. Barker to raise the money on that note from anybody connected with the Bureau, and the next

day when Maj. Barker came to my room I spoke to him in a very sharp manner in regard to the matter, and asked him for the return of the note, and he said it had been destroyed. That is all there was in regard to that matter.

Q. Did you report those facts to the Commissioner?—A. No, sir; never said anything to him about it.

The CHAIRMAN. This is the same Mrs. Fithian who offered you the $50 at the time she was reinstated?

A. Yes, sir.

By Mr. ENLOE:

Q. Did Maj. Barker have any permission from you to go around offering your influence for money?—A. No, sir.

Q. Do you know anything about his offering to have Mr. Hodgson reinstated if he would loan him some money?—A. No, sir.

Q. Or loan you some money?—A. No, sir.

Q. Do you know about how much you and Maj. Barker ever borrowed from Pension Office employés during the time you were there?—A. I was not in the habit of borrowing money from Pension Office employés when in the Pension Office. The major and myself exchanged indorsements, I think, once after that, and that is all.

Q. Have you got any paper outstanding now that Maj. Barker has indorsed on?—A. No, sir.

Q. Has he got any that you are indorser upon?—A. No, sir.

Q. Your financial accounts are square?—A. Yes, sir.

Q. I will ask you if you didn't telephone to Mr. Engle you wanted to see him about the 1st day of September, 1891, and send it through Maj. Peck at the Pension Office?—A. Never; no, sir.

Q. Did you have this conversation with him he relates here as having occurred on, say, some time along about that time, in which he alleges you wanted to borrow from him, and proposed to use your influence to have him reinstated?—A. I never had any such conversation; no, sir. The only conversation I had was to the effect that Theodore Smith had written a letter to the Secretary of the Interior which caused his dismissal, and I told him I was the sole cause of it myself.

Q. You say you didn't send him a telephone message on the 1st of September, 1891?—A. No, sir; never in my lifetime.

Q. To meet him on the corner of Ninth and F streets, NW.?—A. No, sir.

Q. And didn't send it through Maj. Peck?—A. Never in my lifetime telephoned to him even.

Q. Did he meet you at that time at the corner of Ninth and F streets?—A. No, sir. Never had any engagement with him. The time I had this conversation with him was through an accident. I met him in a restaurant on the corner of Seventh and G streets.

By Mr. LITTLE:

Q. I would like to ask a question in regard to Mr. Howard. You believe he joined with Mr. Engle because you shunned him?—A. Yes, sir; that is one of the reasons.

Q. How did you shun him?—A. I didn't go near him, and he had given me this slip in regard to those cases, and wanted me to think it over, and I kept away from him altogether after that.

Q. You never gave him any answer at all?—A. No, sir; never.

Q. You heard what he said—what the proposition was he made to you?—A. Yes, sir.

Q. But you didn't decline it or accept it?—A. I simply turned on my heel and ate my luncheon.

Q. It was arranged at that time that he was to send you a memorandum?—A. He made it then and there.

Q. And left that with you?—A. Yes, sir.

Q. For what purpose?—A. He told me in the conversation that he wanted me to consider the matter, but I never did.

Q. Did you ever tell him you had not considered it?—A. No, sir; never had any conversation with him in regard to the matter afterwards.

Q. Did you intend to consider it when he gave you the paper?—A. No, sir; and that is the reason I made the statement to my friend at the time that I considered Howard a scoundrel.

Q. You didn't tell Mr. Howard your opinion of him at that time?—A. No, sir. There are quite a number of men in the Pension Office to whom I never expressed my opinion of them.

TESTIMONY OF F. H. SPRAGUE.

F. H. SPRAGUE, sworn, testified as follows:

By Mr. ENLOE:

Q. Will you state your name, age, residence, and occupation?—A. My name is F. H. Sprague; 44 years of age. My temporary residence in Philadelphia, Pa., and I am a special examiner in the Pension Office.

Q. Were you a special examiner in the field at the time George W. Wayson, jr., was assistant chief of the special examination division?—A. Part of the time I was, and part of the time I was the supervising examiner in the office.

Q. Were you detailed to service in the field or assigned to duty in the field during the time he was in the office?—A. Yes, sir; I was.

Q. Did any financial transaction between you and him either in the nature of a loan of money from you to him or an indorsement have anything to do with your assignment to duty in the field?—A. No, sir. I was personally assigned to my present station by Gen. Black at the time he relieved me from my position of supervising examiner.

Q. Did any such transaction have anything to do with your being allowed to remain in that position?—A. No, sir.

Q. Did you write a letter in response to a letter from the Pension Office calling your attention to certain charges contained in the New York Herald?—A. I did.

Q. At the time you wrote that letter did Mr. Wayson owe you anything for borrowed money or were you indorser on his paper?—A. No, sir.

A. Have there ever been any financial transactions between you and Mr. Wayson?—A. About three years ago in June or July, Mr. Wayson's wife was very ill, so he stated to me, which I have reason to know was true, somewhere out in Maryland. It was a few days before pay day and he was telegraphed to come to her and he asked me if I would loan him $25, which I gave him, and he paid it on his return. That is the only transaction I ever had with him unless I may have loaned him a dollar or two dollars when I had it or I may have borrowed a dollar or two dollars from him. That is the only financial transaction I ever had with him.

Mr. ENLOE. Those are all the witnesses I have at present.

The committee adjourned until to-morrow morning at 10 o'clock.

WASHINGTON, D. C., *Friday, April 15, 1892.*

The committee met at 10 a. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Little, Dungan, and Brosius, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

STATEMENT OF CAPT. JAMES R. FRITTS.

Capt. JAMES R. FRITTS appeared before the committee and made the following statement on his own behalf:

I wish to state that I never at any time by letter to any person, or through any third party, furnished to Mr. Cooper or anyone else any information of any kind that would bring reproach upon the Bureau of Pensions or Commissioner of Pensions in anyway.

STATEMENT OF GEN. BUSSEY.

Gen. BUSSEY appeared before the committee and made the following statement at his own request:

I would like to state what I know about what young Green B. Raum said yesterday in regard to Mr. Engle. I have got the whole history of the case here, and also the files and all the official papers connected with it, which will show what was done and who did it, and if you have not copies of them I will furnish them to you. I will state here just what took place. Of course I am under oath. About two weeks after Capt. Engle was dismissed Mrs. Engle came to me to my office and evinced a great deal of feeling in behalf of her husband, and at the same time stated their pecuniary circumstances were such that if he were left out of office with his obligations that the family would be greatly embarrassed and distressed. I told the lady I had nothing whatever to do with the dismissal of her husband; the papers had never come to me in any shape or form. The recommendation was made by the Commissioner and taken to the Secretary direct. The Secretary ordered his dismissal, and that I could not interfere. It was a matter between the Commissioner and Secretary, and that she must see the Secretary or Commissioner, and let the parties who had done the work undo it. She went out of my office feeling aggrieved at me. I know that from her manner.

I didn't see her again. That was two months before he was reinstated, and I have no recollection of meeting her again in a year. I have never met the lady but three or four times in my life. I can say in that interview with me she showed every indication of being a faithful and devoted wife, and having a great deal of affection in regard to her husband. Here is the record. It begins on the 22d of May, when Mrs. Engle writes a letter to the Secretary of the Interior, and it is accompanied by a letter from Capt. Engle in regard to his position in the office and his service. This letter went to the Secretary of the Interior, and in due time, as letters of this kind most always do, it did not come to me through the regular channel. He says on the bottom of the letter:

> Respectfully referred to the Commissioner of Pensions for his consideration.
>
> JOHN W. NOBLE,
> *Secretary.*

This is his signature. The letter was not, as letters usually are, sent to me, and went directly to the Commissioner; didn't come to me at all.

On the 24th of May Hon. John D. Cameron, a Senator, wrote a letter to the Secretary of the Interior, which was referred to the Commissioner of Pensions by John W. Noble, Secretary, in this way:

Respectfully referred to the Commissioner of Pensions with the request that he will have the same carefully looked into, as these prominent Senators and members of Congress take great interest in the man.

JOHN W. NOBLE,
Secretary.

In reply to that letter——

The CHAIRMAN. This didn't go through your office at all?

A. No, sir; I never saw it. That went down to the Commissioner of Pensions. On the 3d of June Senator Manderson wrote this letter to the Secretary, which I will read to you. That letter was referred by Secretary Chandler to the Commissioner of the General Land Office, to know whether he desired the reinstatment of Mr. Engle with a view of his transfer to that department. The Commissioner of the Land Office's statement is as follows:

I am unacquainted with the facts of Mr. Engle's dismissal from the Pension Office and decline to recommend his reinstatement.

In reply to that letter the Commissioner on the 24th of May wrote a letter to Mr. Engle in which he says: (Gen. Bussey reads letter.) Signed, "Very truly, yours, Green B. Raum, Commissioner." Now, with that letter in my possession, and without a word from the Commissioner of any kind, I first appear in the case (reads statement). I signed that in the regular order it came to me. The next statement which appears in the case is a letter from J. D. Cameron, dated "June 16, 1890. Hon. John W. Noble. Dear sir." (Witness reads letter.) Now, I indorsed that letter again and I said, "Respectfully forwarded to Hon. Green B. Raum, for his action. He will please refer to Capt. Engle, etc." I don't tell the Commissioner what to do. It is entirely voluntary with him whether he shall recommend it or not. June 14 Senator Quay wrote a letter as follows (witness reads letter):

The Secretary referred that to me and says, "Respectfully referred to the Assistant Secretary with a request that he let me know as to the record of Engle and why he should not be reinstated," and so forth. Signed, "John W. Noble, Secretary." Now, the facts in the case are these, that Mr. Engle was dismissed, so the Commissioner says in a letter which he wrote June 20 to the Secretary of the Interior, as follows: [Witness reads letter.] Now, that is every paper which appears in this case, and that is my connection with it. Mr. Raum, jr., was the appointment clerk of the Pension Office and handled every one of these papers, and so knew that much about it, but couldn't possibly know what transpired in my office between Mrs. Engle and me and any one else, because he was not there to see, and I will leave it for the committee to judge who has told the truth and who has not. I had nothing to do with this matter at all; have enough to do to take care of matters coming directly before me.

Mr. ENLOE. Mr. Raum testified here yesterday that Mr. Engle was such a disreputable character that he was not fit for his association, and knew him to be such a disreputable character that most people didn't consider him a fit associate.

Q. Do you know what kind of a reputation he has here?—A. I never heard a word against him in my life, and he is recommended by some of the best men in the country. These are all the papers in the case and you can see for yourself. He has the recommendation of being an excellent officer, and his record in the office is as fine as anyone's in the office

could be. And he also has an excellent record as a soldier, and his ability has never been questioned.

Mr. ENLOE. There is one other question. I want to know if you had any information that Mr. James Dugan was acting as clerk for the Hon. Edward Hallowell, and made a proposition to furnish the same character of information which Mr. Hersey was furnishing?—A. A letter from some attorney came to me in the regular course of mail—I couldn't tell his name—I think containing a letter which Mr. Dugan had written making a proposition to furnish the information. I received it and forwarded it to the Commissioner.

Q. That is in the hands of the Commissioner, then?—A. Yes, sir. I did receive such a letter from somebody, and I did with it what I do with all letters of that character, sent it forward.

By Judge PAYSON:

Q. How long ago was that?—A. Since Mr. Dugan appeared before the committee.

Q. Quite recently?—A. Yes, sir; within a few days.

The following are copies of the letters and slips referred to by witness:

UNITED STATES OF AMERICA:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 25th, 1892.

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed papers are true copies of the originals as they appear upon the files of the Department.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the day and year first above written.

[SEAL.]

GEO. CHANDLER,
Acting Secretary of the Interior.

(3—550.) Congressional. No. 293830. Name of claimant, Thomas McDowell; P. O., Fallsburg, Ky. Name of soldier, same, Co. A, Reg't 45th Ky. Inft. Information wanted as follows: Papers. E. Hallowell, M. C. These slips are exclusively for the use of Senators and Members of Congress, and when used by any other person will not receive consideration.

Senators and Members will greatly aid the Bureau of Pensions in giving them an early answer if they will fill and use these slips in making calls in pension cases.* Green B. Raum, Commissioner. Please give post-office of claimant.

(3—469.) Bureau of Pensions. Application No. 293830. Certificate No.—. Name of soldier, Thos. McDowell, Co. A, 45 Reg't Ky. Inft. Information desired. Papers. James Dugan, att'y.

HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., March 21st, 1892.

DEAR SIR: I looked into your claim last Saturday. The case is complete, and now only awaits its regular turn. The Com'r of Pensions will not make cases special, unless it can be shown by testimony that the applicant is an object of charity or in danger of immediate death. If that can not be shown, a case has to await its regular turn. You are rated by the Pottstown med. examining board at $6 per month for compound fracture of both bones of leg. You can probably get more next time.

Yours, truly,

E. HALLOWELL,
Per J. D.

Mr. BENJ. F. DELCAMP,
Pottstown, Penna.

[James Dugan, attorney before all Departments and the Court of Claims. Late special examiner of the U. S. Pension Office. Pensions, increase pensions, patents, bounty, back pay, commutation of rations, duplicate discharges, and all kinds of war claims given prompt attention. Pension, patents, and land claims a specialty.]

WASHINGTON, D. C., *March 21st, 1892.*

DEAR SIR: I attend to all pension claims for the Hon. Edwin Hallowell and also for some other Congressmen. I examined your claim on last Saturday and the result is embodied in a letter I wrote, by direction of Mr. Hallowell, to-day I think your rating too low and therefore send you a blank application for an increase, which you can lay aside, and immediately after you get your pension fill it out and execute it before a notary public and return to me with a letter stating what board you want to go before, and I have no doubt your pension will be raised to $10 or $12 per month. You are not confined to your leg alone, but can include all diseases or ailments of any and all kinds whatsoever you may be suffering from. Each additional disability entitles you to an additional pension.

If you know of any others in your section who wish to apply for a pension or an increase you will confer a favor by giving them my address and referring them to me. Living here and being on intimate terms with Congressmen I can take their slips and call up cases at any time, and hence can keep claimants posted as to the condition and progress of their claims. Hoping that we may be of mutual benefit to each other, I am

Yours, truly,

JAMES DUGAN.

N. B.—I had charge of the Phil. district for six years and frequently visited your town to examine cases.

Mr. BENJ. F. DELCAMP,
Pottstown, Penna.

By Mr. COOPER:

Q. You have supervision over the Pension Office?—A. Yes, sir.

Q. Do the recommendations for the disbarment of attorneys reach you in the regular order?—A. They go to the miscellaneous division in the Bureau, and the case is disposed of there, and either prepared for my signature or the signature of the Secretary.

Q. I find by indorsement on the jacket in the case of John M. Maring, of Columbus, Ind., on August 23, 1890, a recommendation for disbarment, certified to and sent to the Secretary's office.—A. Yes, sir.

Q. I would be glad if you would make a search and inform the committee whether such a recommendation ever reached the office. That was August 23, 1890.—Yes, sir; I can do that.

Q. You can do it by communication personally or through a letter.—A. I would like to look through the papers and I will let you know.

TESTIMONY OF F. C. PECK.

F. C. PECK, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. You may state your name, age, residence, and occupation?—A. The clerk has my name; age, 52 years; residence, Maryland; supervising inspector in the Pension Office.

Q. How long have you been occupying your present position?—A. Since March, 1889.

Q. Do you remember about the first of September, 1891, calling Mr. Engle's attention to the fact that some one had telephoned and wanted to speak to him, and his coming back and telling you who it was?—A. I remember at one time of some one calling him up. I couldn't fix the date.

Q. Was it somewhere in the neighborhood of that time, as near as you can remember?—A. It was while I was acting chief of the division, and I think that was between July and the middle of September.

Q. It was somewhere along about that time?—A. Yes, sir; I acted chief of the division during the absence of the acting chief for two or three months, and I know it was during that time.

Q. Did Mr. Engle, after he had responded to the summons to the telephone, come and ask you for permission to leave the office, and tell you whom he wanted to see and where he was going?—A. Yes, sir.

Q. State what he said.—A. He came back and said, "Do you know who it was who rang me up?" And I said I couldn't recognize the voice. He said it was Green B. Raum, jr. He said, "I want to go and see him." I told him he might go, and he said he was going to meet him on the street.

Q. Did you give him permission to go and meet him?—A. Yes, sir; I did.

Q. Did he say anything about what he said?—A. When he came back he said Green B. Raum met him, and he said, "What do you think he wanted?" I said, "I don't know; I have not the least idea." He said, "He wanted to borrow $50." I said, "Did you loan it to him?" And he said, "I didn't have it"; and he asked me whether I thought I would have loaned him the $50 if I had had it, and I told him I would.

Q. Did he tell you whether there was anything said in that conversation about his using his influence in having Mr. Engle promoted if he would loan him the $50?—A. No, sir. He said, "Now I have got this chance of reinstatement, or I ought to be reinstated to my old place," and he said young Raum said to him, "Now, you asked me to do you a favor, I want you to do me one."

Judge PAYSON. Go on and state all that was said.

A. That is all.

By Mr. ENLOE:

Q. The favor that Mr. Engle had asked of him before was to be restored to his old position?—A. I don't know that. Mr. Engle simply made that statement to me. I don't know what other conversation they had.

Q. He says, "Now, as you want a favor, I want one from you?"—A. Yes, sir.

Judge PAYSON. You say that that is what Engle told you after he returned after meeting Mr. Raum on the street?

A. Mr. Engle was present talking to me; I had no conversation with Mr. Raum in any way, shape, or manner. Mr. Engle said to me that Raum said to him that he (Raum) wanted a favor; he had offered to do one for Mr. Engle.

The CHAIRMAN. He wanted a favor in return?

A. Yes, sir.

By Mr. ENLOE:

Q. And the borrowing of $50 was the favor?—A. I don't know; that was not said.

Q. Didn't Mr. Engle state what the favor was? You said he told you he wanted to borrow $50?—A. Yes, sir.

Q. Do you know anything about Edward Howard, or did you have any talk with him about that time?—A. The same day.

Q. What did Mr. Howard tell you Mr. Raum said to him?—A. Very much the same thing, except in another way. After Mr. Engle told me that I said to him, "If I were in your place I would not repeat this matter to any one, because it would be very liable to get you into trouble; it is a matter between you as a Pension Office employé and some person outside of the office, and it is apt to create trouble, and I advise you to let it alone," and he told me he would do so.

Q. What was your reason for thinking that?—A. Because of his intimation to me that that was in consideration of having done some favor for him, and trying to connect the Commissioner's name with his son.

Q. Go on and state what there was in Mr. Howard's conversation.—A. He came to me about 1 o'clock, or half past 1, and repeated to me very much the same conversation Mr. Engle had, except that he wanted to go to the field as a special examiner, and he said he believed if he loaned this money to Mr. Raum he could get out.

Q. Do you remember he told you how much Mr. Raum wanted to borrow of him?—A. He said $50, and I said, "That wouldn't do you any good; that wouldn't get you out," and I told him also the same as I had told Mr. Engle, "that that was a matter they had better both keep still about." It was simply a reflection on the Commissioner when, in fact, he had nothing to do with it, in my opinion.

Q. That was the view you took of it?—A. Yes, sir; the view of it I took at the time.

Mr. ENLOE. I believe that is all I have to ask this witness.

TESTIMONY OF HON. GEORGE W. COOPER—Recalled.

Hon. GEORGE W. COOPER, recalled, testified as follows:

Mr. COOPER. Before you ask me any questions please let me make a little statement. Mr. Fritts was at my rooms and seemed very much broken down and hurt, and asked if I wouldn't state to the committee, as I offered to do yesterday, as his name was mentioned by Mr. Morgan as one of the parties who was giving me information, and he wanted me to say to the committee what there was about it. There is not one word of truth in that at all, gentlemen. He was formerly from my district, but moved afterwards to Indianapolis, Ind., where his family lives. I know him well, but he has never communicated to me anything whatever on the subject of this investigation. You will observe that Morgan says he based his charge alone upon the fact that we were friends. He certainly had no other foundation for the charge.

Mr. ENLOE. I want to ask you about a speech delivered by you in the House of Representatives on the 4th of September, 1890, in which you embodied a postal card addressed by James F. Morgan to his clients, inviting them to meet the Commissioner of Pensions. I will ask you to look at that and see if you had the original of that. [Hands paper to witness.]

A. Yes, sir; this is an exact copy of the original.

Mr. DUNGAN. Is that the same date the Commissioner testified about his trip out there?

Judge PAYSON. Yes, sir; I think so, and Morgan testified about sending out invitations to his clients. I have no objection to that going in whatever.

Mr. COOPER. I would like also to call your attention to a matter here which should be in evidence. It is in answer to one of Mr. Dunbar's calls.

Judge PAYSON. Just put it in there.

Copy of postal card introduced in evidence above, as follows:

MORGAN PENSION AGENCY,
Bloomington, Ind., October 16, 1890.

DEAR SIR: Hon. Green B. Raum, Commissioner of Pensions, of Washington, D. C., will be in Bloomington on Wednesday, October 22, 1890. It is my desire that all my soldier clients should be in attendance on that day. I desire that all of my friends meet the Commissioner personally. Be sure and come.

JAMES F. MORGAN.

Copy of answer referred to by Mr. Cooper above, as follows:

West Div. C. W. K. Ex'r. Inc. Cert. number 391323. David Paddock, Co. "C," 59. Ind. Vols.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., October 29, 1890.

SIR: In response to the request of John G. Dunbar, esq., you are advised that the pension claim indicated above awaits replies to letters addressed to affiants, Chas. Long and Theodore Davis, this day, for further information relative to the origin and continuance of your alleged rheumatism. Upon receipt of the same the claim will be given prompt attention.

Very respectfully,

ANDREW DAVIDSON,
Acting Commissioner.

TESTIMONY OF W. E. STITH.

W. E. STITH, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. William E. Stith; my home is in the Fourth Congressional district of Virginia; age, 44; I am employed in the Pension Office on the board of review.

Q. How long have you been in the Pension Office?—A. Since September, 1882.

Q. What division of the Pension Office were you employed in during the fall of 1890?—A. I was in the western division until May, 1891.

Judge PAYSON. As an examiner?

A. Yes, sir.

By Mr. ENLOE:

Q. I want to know if you were detailed or instructed to take charge of call slips that came in there from Mr. J. G. Dunbar, who was canvassing in opposition to Mr. Cooper in his district?—A. I can't say I was detailed to take charge of them, sir.

Q. Did you devote any part of your time and attention to answering those calls?—A. Yes, sir; upon instructions, but I was not detailed to do it.

Q. Who instructed you to pay attention to them? What information was furnished you?—A. Well, I was not instructed to do anything of that kind. The claims were brought to me, and I was directed to give the status of the claims.

By Mr. DUNGAN:

Q. By whom?—A. By Mr. Durnan.

Q. Who told you to take the calls and furnish the status of the cases?—A. Mr. Durnan told me to write the status of the cases, as it was my business.

Q. Do you know anything about the number of those calls you handled?—A. I couldn't possibly give any estimate, sir, of the number. I was several days; not on that work all of the days, because I didn't have claims all the time to do it with. When I didn't have those claims to work on I worked at my regular work.

Q. Was your attention directed to the character of these calls; were they on the regular Congressional slips?—A. At first they were, as I remember it.

Q. How were they made out afterwards?—A. I think there was some change made in them, sir. I took no particular account of these things

at the time, and I wouldn't be positive as to how it was. I know there was some talk about his using those slips, and I think some change was made.

Q. Was it understood Mr. Dunbar was not a member of Congress?—A. Yes, sir; I so understood it.

Q. Do you know whether he was an attorney practicing before the Bureau?—A. I never heard that he was, sir.

Q. How was the understanding that this information was to be furnished? Did you get any further information than what you did through Mr. Durnan?—A. No, sir; no further information or instruction. My simple instruction was to get the status of these claims for Mr. Dunbar, and I did so.

Q. Look at that and see if you remember of seeing anything that looked like that in the calls made. Were any of them made on paper like that [handing paper to witness]?—A. I can't be positive about that, sir.

Q. See if you can make out what that is, that part that is erased on the bottom of that slip?—A. I make this out, "Status to John G. Dunbar, Greencastle, Ind." There seems to have been an erasure at the bottom of the slip there.

Mr. DUNGAN. Did this slip come from the office?

Mr. ENLOE. I understand it is one of the slips sent. I don't know where it came from. Mr. Cooper had it in his possession.

The WITNESS. No, sir; I can't make that out. It is the company and regiment, and at the bottom there seems to have been a name, which has been erased. I can't make it out, sir.

Mr. ENLOE. It looks to me like Samuel W. Graham, Company K, Twentieth Ohio.

Mr. ENLOE (to Mr. Cooper). Do you know of any man living there of that name?

Mr. COOPER. Yes, sir; there is a Sam Graham living in Bloomington.

By Mr. ENLOE:

Q. Were those slips sent out; were the status of those cases forwarded to Mr. Dunbar in the office envelopes, the usual penalty envelopes of the Government, do you know; or didn't you have anything to do with the mailing of them?—A. I didn't have the mailing of them, sir. I simply wrote the letter, and had nothing to do with the mailing.

Q. Did you inclose any letters in such envelopes after they were written?—A. We simply put them in one envelope, as I recollect it, sir.

Q. They were sent in one envelope?—A. Yes, sir.

Q. Well, is it the custom of the office, in furnishing that, to return the status with the slips frequently with the information?—A. Yes, sir; they put the slips in the envelopes.

Q. So it can appear who called it up and what the request was?—A. Yes, sir; when an examiner writes a letter on a Congressional slip he puts it in there, and it goes to the letter critic, and that is all I know; I don't know what is done with it after that.

Q. What sort of an envelope did you put these in when sent out?—A. The usual office envelope.

Q. The usual office envelope is the penalty envelope, is it?—A. Yes, sir; I just put it in there, and then it goes to the letter critics and others after I am through with it.

Q. The letters which you addressed, or wrote, were they addressed to the claimants or addressed to Mr. Dunbar, if you remember how that was?—A. I couldn't be positive about that.

Q. Ordinarily, where there is a call for status, is it not the custom of the office to furnish to the member of Congress who calls up the case on slips a penalty envelope, which is addressed to the soldier?—A. Yes, sir.

Q. There are two envelopes used?—A. Yes, sir.

Q. One of them is to enable the person calling up the information to forward it to the soldier without expense to himself?—A. Yes, sir.

Q. I want to know if you noticed whether that rule was observed in furnishing this information?—A. I don't think it was. I think only one envelope. There certainly ought to be but one.

Q. Who was that addressed to, the soldier or to Mr. Dunbar?—A. I think it was addressed to Dunbar; I couldn't swear positively as to that, though. I can't remember all these things, because it was my everyday work.

Mr. DUNGAN. I understood you to say you put a number of slips in each envelope?

A. No, sir.

By Judge PAYSON:

Q. That was the letter giving the status of each case, being put in a separate envelope, properly sealed?—A. Yes, sir.

Q. And you don't know whether it was addressed to Dunbar or the soldier?—A. No, sir; I could not swear to that.

By the CHAIRMAN:

Q. Can you approximate about the number of these slips you handled?—A. It would be impossible for me to do that. Some days I would have some to do, and other days I would not have any, and I paid no particular attention to it at the time.

Q. There was some considerable quantity of them?—A. A good many.

Q. I understood you gave your entire attention to it?—A. Yes, sir.

Mr. DUNGAN. What is the average day's work of looking up the status of cases, fifty?

A. It would take a very good man to do that.

Mr. ENLOE. It depends some, too, on the claims, does it not?

A. Yes, sir; some claims we take and have to get the status; go through a great deal of work to get them.

By the CHAIRMAN:

Q. What other clerks of the division were engaged in this same work?—A. I think Mr. James Burrill; I think he did some of that work, too.

Q. You were in the Western division?—A. Yes, sir.

Q. Mr. Burrill in the same division?—A. Yes, sir.

Q. These Indiana claims, as I understand it, would come to the Western division?—A. Yes, sir.

Q. What time of the year was this; before or after the election?—A. It was before the election.

TESTIMONY OF R. A. DURNAN—Recalled.

R. A. DURNAN recalled.

By Mr. ENLOE:

Q. Do you remember anything about receiving any order to pay attention to calls for status of cases sent in in the name of John G. Dunbar, of Greencastle, Ind., who was a candidate for Congress against Mr. Cooper?—A. Yes, sir.

Q. What orders did you receive in regard to those slips, and from whom did you receive the orders?—A. My recollection of that is the order came through the First Deputy Commissioner, Col. Davidson.

Q. Was it a verbal or written order?—A. It was a verbal order.

Q. What was your recollection of the instructions you received?—A. As I recollect it, on Tuesday morning preceding the election in 1890, I was called down to the room of Col. Davidson, First Deputy Commissioner, and he informed me they had received a letter from the Commissioner inclosing some slips calling up cases of claimants living in the Congressional district which Mr. Cooper represented, and he wanted the answers gotten out by, I think he said, Tuesday evening. That was the same day I was spoken to about it. I had some conversation with Col. Davidson about the matter, and took the slips up in my division and had the files clerks draw some of them and distribute them to the examiners.

Q. Did you know where the Commissioner of Pensions was at that time? Didn't you learn that in your conversation?—A. I had no personal knowledge.

Q. Did he tell you where the letter came from; where the Commissioner had written the letter from?—A. Some place in Indiana.

Q. Did you understand he was in Mr. Cooper's district at that time?—A. Yes, sir.

Q. Mr. Davidson told you this letter had come from the Commissioner inclosing these slips; that he wanted them to have immediate attention?—A. Yes, sir; I understand the letter to Col. Davidson was to this effect, that certain claims would be forwarded by Jesse W. Weik and that he would like to have an answer by Tuesday. That would be the same day my attention was called to it, the evening of the same day.

Q. Do you know what became of it?—A. Well, I do not. I know what I said to Col, Davidson about it at the time.

Q. What did you say to him?—A. I told him to keep the letter. I said to him at one time, well, I guess that ought not to go into the record either, had it?

Q. If it has any matters that relates to the affairs of the office it should.—A. It doesn't at the present time.

Q. It don't make any difference whether now or any other time if it relates to any former administration.—A. I simply said that at one time, when Mr. Grubbs was a candidate for Congress, in 1882, the Commissioner of Pensions permitted him to call up cases in the usual way, and as a result of that there had been an investigation made and the matter brought out. I thought he had better keep that letter to show his authority.

Q. Do you know whether Mr. Grubb was then representing the same district that Mr. Cooper is now representing?—A. I think the district has been changed considerably, but I can't tell about that.

Mr. COOPER. Mr. Grubb was a candidate against Mr. Matson, who formerly represented the district I represent now.

By Mr. ENLOE:

Q. You told Mr. Davidson that Mr. Grubb had been submitting slips in the same way that Mr. Dunbar was using them, and that was brought out in the investigation, and you thought he ought to keep that letter of the Commissioner's?—A. He didn't exactly know what to do about the matter, and I think Capt. Fisher, chief clerk, was also present, and also Mr. Scudder, an employé in the Pension Bureau, who is an assistant to the Commissioner. He was present and also spoke about that same case.

Q. You gentlemen thought you ought to have something to show by what authority it was done? Was that the reason you spoke of that previous case?—A. Yes, sir; I thought we ought to have something to show why we did it.

Q. Did he tell you whether he kept that letter or not?—A. No, sir; he never said anything to me from that day to this.

Q. Did Mr. Davidson tell you whether he put any other persons to work in other divisions answering information on this subject?—A. No, sir.

Q. You don't know whether he did or not?—A. No, sir.

Q. You didn't hear him say anything about that?—A. No, sir.

Q. When you carried those slips up stairs to whom did you give them?—A. I gave them to the chief of files in my division.

Q. Who is he?—A. Mr. John S. Garrison.

Q. What instructions did you give him?—A. I told him to have the cases drawn and sent down to my desk, and there were quite a number of them drawn on that day and they were distributed through different sections of the division.

Q. Do you know about how many cases altogether were called up on these slips of Mr. Dunbar in your division?—A. No, sir; I do not.

Q. Can't you estimate it approximately?—A. Well, this package that came along with the letter, or about the time that the letter did that was addressed to Col. Davidson, probably had two or three hundred slips inclosed. I don't think there were more than seventy-five of those slips answered in my division, though.

Mr. DUNGAN. Of that batch?

A. Yes, sir.

By Mr. ENLOE:

Q. Were they made out, any of them, on Congressional slips—those that came to your division?—A. I don't know that they were. They were made out on all sorts of slips.

The CHAIRMAN. You mean by 75 that there were 75 in your division and the balance of 200 or 300 went to other divisions?

A. No, sir; the bulk came to me, to my division, and only about 75 of them were answered.

By Mr. ENLOE:

Q. What became of the others?—A. I suppose they were put with the cases and eventually went back to the files.

Q. What is the reason that you did not answer all of them?—A. We couldn't do it in the time specified.

Q. What date was that?—A. The Tuesday before election in 1890.

Q. If you couldn't get them out on that day you understood the information would not be of any value?—A. That was my inference.

Q. The rest went back into the files then?—A. Some answered Tuesday, some Wednesday, and some not until Thursday.

Q. Quite a number you didn't answer?—A. Somewhere in the neighborhood of 150 or 200, yes, sir.

Q. Did you ever get any further instructions to go on and answer the balance of those calls?—A. No, sir.

Q. Did the Commissioner ever say anything about it or communicate in relation to it with you?—A. No, sir.

Q. No one manifested any interest after the election in having those cases taken care of that were called up on call of Mr. Dunbar?—A. No, sir.

By Mr. DUNGAN:

Q. Does the division relate to the service of the soldier or to the State in which he resides?—A. It relates to the service.

Q. So that a man who enlisted from Ohio, if he lived in California he would be put in the Ohio division.—A. Yes, sir; in the middle division

By the CHAIRMAN:

Q. In the case of these Indiana soldiers who enlisted in any other State, if they made application for a pension, that would have necessarily come to your division?—A. No, sir; they would go to the State from which they enlisted.

Q. Do you know whether any other divisions got these slips?—A. I do not.

Mr. COOPER. Here in this document is what I think is an exact copy of an answer that was made on the services of that soldier; you will observe he was an Indiana soldier, and yet the answer apparently comes from the First Assistant Deputy, Col. Davidson. Can you explain that?

A. Col. Davidson was acting Commissioner at that time, and all mail from the divisions in the office in response to inquiries not called for by one of the Deputy Commissioners goes to the Commissioner.

Judge PAYSON. And this was forwarded to the claimant by the acting Commissioner?

A. Yes, sir.

By Mr. ENLOE:

Q. Mr. Durnan, before going on with this witness, I want to ask you whether or not the penalty envelopes of the Bureau were used in sending out this information?—A. No, sir; not the inclosures. There was no inclosure envelope used.

Q. That is where you furnished the information to Mr. Dunbar?—A. Yes, sir.

Q. But no penalty envelopes inclosed?—A. The instructions were to begin the letter in this way: "In response to the request of the Hon. Mr. Dunbar, in regard to your case, I have to state," and go on and give the status.

Q. (By Judge PAYSON.) And send it to the claimant?—A. Yes, sir.

Mr. BROSIUS. The same as to members of Congress?

A. Yes, sir.

By the CHAIRMAN:

Q. That was sent to the claimant?—A. Yes, sir.

Q. Don't they usually send it to the member of Congress; they inform him, the member of Congress, or send the case to him first with the information, and then inclose another envelope addressed to the claimant so he can forward that?—A. Yes, sir.

Mr. BROSIUS. My question was as to the construction of the letter?

A. Yes, sir.

TESTIMONY OF J. P. BURRILL.

J. P. BURRILL, sworn and examined.

By Mr. ENLOE:

Q. How long have you been in the Pension Office?—A. Since 1883.

Q. What division were you employed in in the fall of 1889?—A. Western division.

Q. I mean the fall of 1890?—A. Western division.

Q. Did you handle any of the cases that were called up on slips of J. G. Dunbar, then a candidate for Congress from Mr. Cooper's district?—A. Yes, sir; I did.

Q. Do you remember how many you handled?—A. I could not say. They came in the regular order of business. Something that no one, unless he made a special business to keep track of it, because they came in the regular order of business, and I am sure I could not tell.

Q. Was it a matter of much comment in your division there about this matter?—A. No, sir; I don't think I heard anything about it.

Q. Didn't hear any talk in regard to the matter at all?—A. No, sir.

Q. Have you since?—A. Only since this investigation I heard that that was one of the matters brought up. In fact I read most of the investigation in the newspapers, as it goes along, and I saw it there, too.

Judge PAYSON. In the newspapers?

A. Yes, sir.

By Mr. ENLOE:

Q. There has been some comment among the employés in the division?—A. No more than generally, when an investigation of this kind was taking place.

Q. The information was published in connection with the testimony of Commissioner Raum?—A. That I could not tell you.

Q. You didn't observe who it was that first testified here that this had been done?—A. No, sir; I could not tell you.

The CHAIRMAN. Did you put them up for mailing these slips?

A. Only just the same as we always do; write the letter at our desk and then they go to the letter critic.

By Mr. DUNGAN:

Q. Did you know when you were answering those cases that you were answering calls not for a member?—A. I didn't give it a question at all.

Q. You say, then, you didn't know it?—A. I say I obeyed the orders of the man who brought them to me.

Q. Did you know that those calls were for a man not a member?—A. Yes, sir.

Q. Did that matter impress you enough to have you pay attention to it?—A. No, sir; I didn't pay any attention to it at all. I simply allowed it to take place, and did what I was told to.

Mr. ENLOE. You remember who told you that?

A. No, sir; they came to my desk and I answered the cases.

Mr. BROSIUS. In the regular order of business?

A. Yes, sir. No clerk, of course, would question the authority of answering.

Judge PAYSON. Have you any idea how many you answered?
A. No, sir. I may have answered 12 or 15.

By Mr. DUNGAN:

Q. Mr. Durnan, how many men were put at that work?—A. If I drew 75 cases, and distributed them, they probably went to 15 or 20 different clerks.

TESTIMONY OF SAMUEL McCULLOUGH.

SAMUEL MCCULLOUGH, sworn and examined.

By Mr. ENLOE:

Q. You are employed in the Pension Office?—A. Yes, sir.
Q. How long have you been there?—A. Connected with the Pension Office from 1882 to June 30 last, and then out until the latter part of last month.
Q. What position do you hold at the Pension Office?—A. Special examiner and examiner at the desk.
Q. At the time you went out of the office what position were you holding?—A. Examiner at the desk.
Q. Did you know why you went out of office?—A. I learned afterwards; I didn't know at the time.
Q. What were the grounds?—A. Charged with associating with Mr. Fleming, the newspaper man.
Q. Did you associate with him—didn't the charge go any further than that?—A. No, sir.
Q. Were you not charged with furnishing information to Mr. Fleming?—A. No, sir; because the letter which the Commissioner wrote to Gen. Enochs didn't say so.
Q. Is he a member of Congress?—A. Yes, sir; and my old colonel.
Q. What sort of a letter did the Commissioner write him about it?—A. On account of my association with Mr. Fleming, who had been writing articles about the Commissioner.
Q. Did he charge you with furnishing information to him?—A. No, sir; he said it was impossible for him to say I had done anything of that kind, but my association with him was sufficient.
Q. When you were reinstated, did you make a statement of the facts to the Commissioner?—A. I did.
Q. Was he satisfied with the first statement you made about the matter?—A. He dictated another statement, had it put in typewriting, and I signed it.
Q. What did you put in the second statement you had not put in the first one?—A. I told him that I had at different times told Mr. Fleming he was off in some of his statements, and that was introduced in this statement.
Q. He wanted that put in there that you had told Mr. Fleming that he was mistaken in some of his publications?—A. Yes, sir.
Q. Didn't he require you to put in there too that you hadn't furnished him any information?—A. Yes, sir; I put that in my original statement and furnished that to the Commissioner.
Q. Upon that you were reinstated?—A. Yes, sir.
Q. Were you employed in the Pension Office at the time that the completed files was issued, about the 6th of January, 1890?—A. Yes, sir.
Q. Whereabouts?—A. At a desk in the Western division, at an examiner's desk.

Q. Do you know what date that order was issued?—A. I could not tell you that. I remember there was such an order.

Q. Do you remember, when that order went into effect, anything about the cases that first came under you observation?—A. There were a great many cases sent to my desk with completed-file slips on them.

Q. About what time was it that those cases were sent to your desk, as near as you can recollect?—A. It was not long after the issuing of that order, No. 151, I think it is called.

Q. It was not long after that?—A. No, sir.

Q. Had you heard of the issuance of that order before the cases came to your desk?—A. Yes, sir.

Q. How long before the cases followed the order; how many days elapsed, as near as you can remember?—A. That I could not state positively; but not many days, I think.

Q. As much as a week?—A. Yes, sir; at least that, if it was not more.

Q. You say it was a week or more, or not more than a week?—A. It was a week, if not more.

Q. If more, how much more?—A. I think within two weeks, but I am not positive about that.

Q. Within two weeks?—A. Yes, sir.

Q. Did you observe whose cases they were as they passed through your desk or make any observation on that?—A. I think they belonged to a number of attorneys.

Q. Who seemed to have the most of the cases that passed through your hands there?—A. As I remember it, Mr. Lemon and Mr. Milo B. Stevens & Co.

Q. Which seemed to have the most, Mr. Lemon or Milo B. Stevens & Co.?—A. I think Mr. Lemon had the most at first and afterwards Stevens's slips began to come in the most.

Q. I want to ask you if you know where Mr. Stevens's office is located in this city?—A. They have an office here and one in Cleveland, one in Chicago, and one in Detroit, Mich.

Q. Did you observe whether or not any other claims were there from attorneys in Washington city; did you see any of John Raum's cases there?—A. I don't remember of having but two or three of John Raum's cases in all my work at the desk. I don't remember; I could not say anything about it for certain, with completed-file slips on.

Q. How many of those cases altogether do you suppose came to your desk—came under your observation at that time?—A. Two or three hundred, probably; but I wouldn't be able to say now.

Q. Did you observe whether or not other clerks employed in the same division handled cases in the same way?—A. Yes, sir; in my section there would be; those cases were brought to us.

Q. In your section, as near as you can recall, what number came to your section about that time?—A. I could not say; I handled about as many as any other man in the section.

Q. How many days were you handling that batch of cases?—A. I think several weeks.

Q. As much as a month?—A. Yes, sir; fully that.

Q. How many cases would you handle a day do you suppose? Yourself individually?—A. Fifteen to twenty.

Q. Was that in the month?—A. Yes; about that many a day.

Q. So that in a month you would have handled between 350 and 400 cases probably?—A. I would like to explain that. I want to say that all the cases I handled in a month were not all cases with completed-

file slips on. The cases charged to me would come to my desk and I would look them over to see if they were completed.

Q. If the cases came to you with attorneys' slips on you would examine them to see if they were complete?—A. Yes, sir.

Q. Were you ordered to examine any cases to see if they were complete?—A. I can't recall any order.

Q. Do you remember handling any such cases without attorneys' slips on them?—A. Yes, sir; as sent to me from the files.

Q. To see whether they were completed and ready to go on the completed files?—A. No; I don't now remember about that. They were sending work to the desk. If any evidence might be needed at that time they would send the case to the examiner and he would look over the evidence, and if completed he would submit it to the board of review, and, if not, he called for the evidence required.

Q. Do you remember how many clerks were employed in your division?—A. Over 100.

Q. Did you observe that the other clerks were engaged in the same character of work during that time you were?—A. I supposed they were; I know they were; I know they were around me.

Q. Who was chief of the division at that time?—A. Mr. Durnan.

By Judge PAYSON:

Q. The work you did after Order 151 went into effect was the regular adjudication of cases that came to your desk?—A. Yes, sir.

Q. After Order 151 took effect the cases that came to your desk from the completed files?—A. Yes, sir; I suppose so.

Q. Some had attorneys' slips and some did not?—A. Yes, sir.

Q. Didn't you know there were a great many cases put there under Order 149, found in the office and deemed to be complete, went into the completed files, and after Order 151 they were put on the completed files at the request of the attorneys? But didn't you at the same time know you might be adjudicating cases whether they had attorneys' slips on or not?—A. Yes, sir; I knew nothing about the cases.

Q. The cases came from the completed files, but how they got there you don't know?—A. No, sir.

By Mr. ENLOE:

Q. When that completed-files order went into effect was there any talk about it in your division?—Yes, sir.

Q. Was there any talk between you and Mr. Hodgson about the observations which he had made at his desk and you made at yours as to whose cases these were?—A. Yes, sir; I remember he and I talked in regard to that.

Q. Do you remember Mr. Hodgson? Did you and he agree——

Judge PAYSON. I don't think that is proper.

The CHAIRMAN. Not what they agreed, but what talk they had.

By Mr. ENLOE:

Q. I will ask you what conversation you had with Mr. Hodgson about what course you would pursue in regard to the information you got as to these cases?—A. I don't remember about that. After Mr. Fleming was writing his articles I think Mr. Hodgson and I talked the matter over and agreed between ourselves that we would be careful not to talk about the matter in the office, not talk about matters occurring in the office outside. I don't remember any conversation about the completed files, but we may have had a talk about that.

Q. You agreed you would not give out any information?—A. Yes, sir.

Q. What was the reason you and Mr. Hodgson had that conversation between you; why did you make that agreement?—A. We were friends of Mr. Fleming; belonged to the same soldier organization.

Q. Belonged to the same soldier organization?—A. Yes, sir; and knowing about these articles we feared we might be suspected or it might be used against us in some way, and it was best for us not to say anything about affairs in the office at all.

Q. You kept that agreement as far as you were concerned and didn't give out any information?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you remember at what time Order 149 was issued?—A. Yes, sir.

Q. Just previous to Order 151?—A. No, sir; I don't recall that.

Q. I understood you to say, in answer to Judge Payson, that these completed files came to your desk, part of them had attorneys' slips on and part of them not, and a portion of them came as completed files from the office.—A. Yes, sir; I will explain that. Sometimes cases would come through with just the completed file slip of the attorney, and then there would be cases with a green card on them saying "completed files" or something like this, and those cases were understood to be examined and completed, and if they were not my instructions were to submit them and make the calls.

Q. They were supposed to be completed under some order in the office?—A. Yes, sir.

Q. Did you know of any order previous to Number 151 which authorized attorneys to certify their cases as complete?—A. I don't remember that, sir. I wish to make a statement that I am quite deaf, and verbal orders would pass around and I wouldn't hear them at all.

By Mr. ENLOE:

Q. When you had this understanding with Mr. Hodgson, that you wouldn't give Mr. Fleming any information, you gave as your reason for that that you were afraid, if you gave out this information and if you associated with Mr. Fleming, it would be apt to cause you to be suspected and you would be punished and you might lose your place?—A. Yes, sir; we knew that some of these articles were very bitter and we wanted to be so, if we were charged with furnishing information, to say that we hadn't done it, and to say so.

Q. Would you be perfectly safe now, if you knew anything to the detriment of the Commissioner of Pensions, in telling it before this committee?—A. Not at all, sir; because I am under oath here, sir; somebody would protect me in telling the truth.

TESTIMONY OF R. A. DURNAN—Recalled.

R. A. DURNAN, recalled.

By Mr. ENLOE:

Q. Were you chief of the western division at the time this completed-file order was issued?—A. Yes, sir.

Q. Do you remember the date the order was issued?—A. I do not; no, sir. I tried to find it to get the date; I think it was in September.

Judge PAYSON. In December, on the 23d.

A. Order 149.

By Mr. ENLOE:

Q. I am speaking of Order 151.—A. It was issued somewhere in the first week of January some time.

Q. You had charge of the execution of those orders in your division?—A. Yes, sir.

Q. Tell us what was done under Order 149 between the 23d of December and the 6th day of January?—A. Have you got copies of those orders? I haven't seen them for a long time. I don't remember just exactly what they were.

(Judge Payson hands book to witness with orders contained therein.)

Order 149 created the completed files as far as the office was concerned; the instructions in Order 149 were to make a count of the files and to take such cases as seemed apparently completed. Order 151 authorized the claimants or attorneys or claimants who had no attorneys to certify their cases upon the completed files.

Q. Now, when that count was made, do you know anything about the number of cases that were found supposed to be complete?—A. It was stated 35,000 and something, but the exact figures are there somewhere.

Q. There were 35,240?—A. Was that for the whole office?

The CHAIRMAN. Yes, sir.

A. I had the figures from my own division, and from recollection it was something like 12,000.

By Mr. ENLOE:

Q. In your own division?—A. Yes, sir.

Q. Those were the cases selected under Order 149 and sent forward to the completed files?—A. Yes, sir.

Q. Now those cases were all placed on the completed files before 151 was issued?—A. I don't know about that; it took us quite a while to make the examination of the files. Whether we had completed that examination before order 151 was issued I could not say.

Judge PAYSON. You had, because all the testimony agrees you had.

Mr. ENLOE. Did you make any observation or have any means of knowing at the time this count was made and these cases selected what attorney's claims predominated?

A. Yes, sir; I had; and I would like very much if you have a copy of that printed testimony to let me see it.

(Judge Payson produces copy of testimony taken on former investigation and hands to witness. Witness examines copy.)

I don't see that it is here; but my recollection is that after we had selected out a large number—and it seems to me it was 17,000——

The CHAIRMAN. In your division?

A. Yes, sir; after we selected out those 17,000 cases we notified the attorneys. There was a slip prepared for the purpose, a circular, and we notified them that certain cases had been placed on the completed files. Those letters were brought to my room and arranged for mailing. We put all that went to one attorney in one envelope and in that way I knew what attorney got the largest number, and my recollection is Mr. Lemon, Mr. J. W. Morris, of this city, Mr. P. J. Lockwood got a number of them, and another firm of attorneys here, I don't recall their names.

Judge PAYSON. James B. Crowley & Co.?

A. Yes, sir.

By Mr. ENLOE:

Q. Do you know how many each had?—A. I know each had quite a number, but I don't recollect what number they had.

Q. They were the ones who had the principal amount of business that was carried forward at that time in the completed files?—A. Yes, sir.

Q. They are all attorneys of this city?—A. Yes, sir. My impression is that John W. Morris received the most notices that were sent out from the office; that is, from our division.

Q. Have you got a record of those cases in your division that you could refer to now?—A. No, sir.

The CHAIRMAN. Of those 17,000?—A. No, sir.

By Mr. ENLOE:

Q. No record kept of those cases, so that they could be looked up now?—A. No, sir.

Q. No memorandum kept of the notices sent out to attorneys?—A. No, sir.

Judge PAYSON. Please state to the committee just what you did under Order 149 in the selection of these cases from the pending files that they might go on the completed files.

Q. How was the work done?—A. Almost the entire force of the division were sent upstairs to the files. The files in my division are over the working room. The examiners worked two together; one looked through the file, drew out the file drawers, and when he struck a case with a lot of evidence on the outside of the jacket, and if he thought it was complete, the man who worked with him made a memorandum of it, and from these memoranda the circulars were sent out.

Q. Now, when that examination was made and the cases that they believed were complete, what kind of a card was put on them?—A. A green card put on with the number of the claim and the name of the claimant, and that was put in the file case by itself.

Q. Then when the cases were examined and assumed to be complete the case itself was assumed to be a case for the completed files?—A. Yes, sir.

Q. So the question of who was or who was not attorney was not considered in any way.—A. No, sir; not the slightest; and in that connection I want to say that people who did this work, instead of looking at the front to see the attorney's name, looked at the back to see the indorsement there, and if they found the indorsement, one of the cases they wanted, they turned the cases over after getting the number and the name, and then for the first time they saw who the attorney was.

Q. There was no examination to see who the attorney was, but simply to find out if complete?—A. That was all.

Q. After these cases had been examined and it had been ascertained that they were practically complete, and there was in all something like 35,000 cases which appeared to be complete, that was a sort of a reservoir on which drafts were made to the examiners' desks?—A. Yes, sir.

Q. Without regard to the attorneys?—A. Yes, sir.

Q. Do you know or have you any reason for believing that any attorneys were given any advantage in that business?—A. No, sir.

Q. Did you, as the head of that division, have instructions in any way to give consideration to anybody or to anybody's business?—A. No, sir.

Q. Did you hear of anything of that kind in the handling of those cases?—A. No, sir; I didn't.

Q. If these gentlemen you have named—Morris, Crowley, Lockwood, and Lemon—had more of these cases on the completed files belonging to them than other attorneys, was that accounted for in any other way

than that more of their cases selected were in a state of completion?—A. I think the reason they got more notices was because they had more cases pending before the Bureau.

Q. And more in a state of completion?—A. Yes, sir. Mr. John W. Morris at that time was making a specialty of straight increase claims and had a great many thousand in the Bureau, and where he had made an examination and the certificate returned to the office that the cases were complete; and for that reason he had a larger number of notices than anybody else.

Q. In speaking now as the head of that division and in the execution of this order or in the performance of your duty as chief of the division, do you know of any preference being given any attorney in the execution of the adjudication of cases in that Bureau?—A. No, sir.

By Mr. ENLOE:

Q. You say that so far as you know there was no discrimination shown between the attorneys in selecting these cases by the files clerks?—A. No, sir.

Q. Now, if there had been any desire on the part of the files clerks examining the files to select the cases of any particular attorney they could, by agreement between themselves, have selected those cases, couldn't they?—A. Yes, sir; but I would have known it before it went very far.

Q. How?—A. They worked right together, and some one on the next tier of drawers would have discovered it.

Q. How could they if they just turned the case over? Now suppose the examination was made by them and they found by turning to the other side of the slips that it was not the attorney which they wanted? Couldn't they put it back in the files without the persons by them knowing it?—A. I presume they could to some extent, but not to any great extent, I don't think.

Q. Do you know if Mr. Lemon has a larger number of pension cases pending in that division than anyone else?—A. Yes, I suppose so; because it is generally understood that that gentleman has a larger business than anyone else, in the office, and did at that time.

Judge PAYSON. What was the state of his cases in regard to his cases being prepared in his own office?

A. He has the reputation of having his cases well prepared.

By Mr. ENLOE:

Q. Didn't you state in the examination before, in answer to a question of Mr. Smyser, that Mr. Lemon had a third more than anybody else?—A. Yes, sir; I think so. I have stated the reason why Mr. Morris had more at that particular time and got more notices. It was on account of his special run on increase cases.

Q. If the cases were selected at random and Mr. Lemon was careful in the selection of his cases, wouldn't you answer then that there were more of his cases?—A. It would depend on when the cases were filed.

Q. If the cases were prepared and in a state of readiness and Mr. Lemon tending to his business as the other attorneys were, wouldn't you have answered that he got more notices?—A. Yes, sir; I think so in the old-law claims, and I think he did get more in the old-law cases than anybody else.

Q. Didn't you state in the former investigation that you thought that Mr. Lemon's cases better prepared than any other attorney having as large a business?—A. Yes, sir.

Q. You think that that in a measure accounts for the increase of successful claims of that firm?—A. Yes, sir; I do.

Q. You could have very easily kept a record of these cases that were called up and placed on the completed files and who were the attorneys, couldn't you?—A. We could have kept a record; it would have taken a great deal of time, though.

Q. But you had no orders to do so?—A. No, sir.

Judge PAYSON. What good would it do?

A. None at all.

By Mr. ENLOE:

Q. I will ask you as to the issuance of order 151, if you didn't keep a record of the cases along about the 23d of February?—A. We didn't keep any in my division of the office.

Q. Didn't keep any there?—A. No, sir; except we kept file slips that we arranged in the cases outside of the record files, and those are the slips on which we drew the cases.

Q. They couldn't be reached now?—A. No, sir.

Judge PAYSON. Did they say anything about the attorney?

A. No, sir; simply the number of the claim and the name of the claimant.

By Mr. ENLOE:

Q. Couldn't we find out who the attorney was if we could get access to those green slips now?—A. Yes, sir; I think you could.

Q. Are you aware of the fact that after the issuance of the order 151 that there has been a record made in the office stating the number of cases placed on the completed files and whose they were?—A. There is a record kept in the law division, I believe, but I am not certain about that. I think there is a record kept in the law division, and I have kept a record in my division of the number of cases put on the completed files each week and the number disposed of, and I report that every Monday morning to the Commissioner.

Q. Does that report contain any details as to who the attorneys are?—A. No, sir.

Q. Just gives the total number of cases of that kind handled, the number found to be complete, and the number returned to the files?—A. Just the number of cases is all it contains.

TESTIMONY OF COL. ANDREW DAVIDSON.

Col. ANDREW DAVIDSON, First Deputy Commissioner of Pensions, sworn and examined as follows:

By Mr. ENLOE:

Q. What position do you occupy?—A. First Deputy Commissioner.

Q. How long have you been occupying that position?—A. Since the last of March, 1890.

Q. Do you remember receiving a letter from the Commissioner of Pensions containing a number of slips of J. G. Dunbar, who was a candidate for Congress against Mr. Cooper in Indiana just preceding the election of 1890?—A. I do.

Q. Have you got a copy of that letter or have you got the original letter?—A. I haven't the original letter.

Q. Have you a copy?—A. I have.

Q. Will you furnish this to the committee?—A. I can, yes, sir. I haven't it here with me; it is at the house.

Q. Do you remember how many slips were inclosed with that letter?—A. About 250 or 300, perhaps.

Q. What did you do with those slips?—A. I sent them to the proper divisions.

Q. Do you remember to what divisions they had to go, to how many divisions?—A. Mainly in the western and southern.

Q. Who was chief of the southern division at that time?—A. Mr. F. H. Allen. I am not sure whether he was present or there was an acting chief there, but I think Mr. Allen was.

Q. You had the order you received from the Commissioner executed, did you not?—A. To a certain extent, I did.

Q. To what extent?—A. I think they were largely answered, and yet before the replies were completed I gave instructions to the chief, I think, of the western division, although I don't now recall, to send the balance of the replies directly to the claimant instead of through Mr. Dunbar.

Q. You sent them for awhile through Mr. Dunbar?—A. Yes, sir.

Q. Were those sent to Mr. Dunbar sent to him just preceding the election?—A. Yes, sir; some of them.

Q. You say this was a short while before election?—A. Yes, sir; this was a very short while before election, and a large number of them couldn't possibly get out of the office till after election; some of them, however, did.

Q. In sending them to Mr. Dunbar do you know whether or not they were sent to Mr. Dunbar the same as information furnished on a Congressional call slip from a Member of Congress?—A. No; I do not think they were on a Congressional slip.

Q. Was the information sent in the same way?—A. Furnished to Mr. Dunbar as we furnish the claimant or anyone calling up a case in the interests of the claimant whether a member of Congress or not.

Q. When you furnish information to a member of Congress on a call slip you always inclose a penalty envelope addressed to the claimant?—A. Yes, sir.

Q. Did you do that when you were furnishing this information to Mr. Dunbar?—A. I think not.

Q. Why didn't you inclose him a penalty envelope?—A. He was not entitled to it.

Q. You sent the information to Mr. Dunbar, and he communicated the information himself to the claimant?—A. Certainly.

Q. Why did they suspend the work after election was over?—A. I didn't know that it was suspended. I gave no orders for the suspension of the work at all while I was acting Commissioner. This action I referred to a moment ago was prior to the election.

Q. How did you make that out? Why did you cease to send them to Mr. Dunbar?—A. I thought there were a good many slips sent to Mr Dunbar and I thought the information ought to be sent to the claimant, and would be satisfactory to the claimants if sent that way.

Q. Didn't you stop sending it that way to Mr. Dunbar because the election was over and he couldn't make any more use of it for political purposes?—No, sir; that never entered my mind at all.

Q. Didn't you know when you received this order from the Commissioner that it was a departure from the usages of the office?—A. There were a large number of slips there.

Q. Didn't you know it was a departure from the usages of the office

in giving an outsider the privileges of a member of Congress?—A. He didn't have the privileges of a member, he simply had the privileges of any other contestant.

Q. Do you know of any other contestant having the similar privilege?—A. I have not. I presume there are a good many, though.

Q. I ask you for your knowlege, if you know of any case?—A. I don't know of any case myself; no, sir.

Q. Didn't you regard this order as a departure from the rules of the office when you received it from the Commissioner?

The CHAIRMAN. Taken in connection with the number of slips received?

A. I did think there were a large number of calls made; yes, sir.

Q. (By Mr. ENLOE.) Didn't you think it was a departure from the usages of the office, and didn't you discuss it in that way with other gentlemen?—A. Whatever the usages of the office were of course I was not familiar with, because I had only acted as Commissioner for a very short while, but under my supervision of the office it was a departure so far as my observation went.

Q. Wasn't your attention in that conversation called to the fact that a similar request was made from that district, and that was subsequently brought up and investigated, and were you not advised to save a copy of that letter?—A. I think my attention was called to Mr. Matson's case.

The CHAIRMAN. In the manner indicated in the question?

A. Yes, sir.

Q. (By Mr. ENLOE.) What did you do with that letter?—A. Gen. Raum has it.

Q. He has the original?—A. Yes, sir.

Q. Did he call on you for it?—A. He did not.

Q. You returned it to him yourself?—A. Yes, sir.

Q. You took a copy to show by what authority you executed this order?—A. I thought I had better have a copy of it; yes, sir.

The following is a copy of the letter referred to by witness, and is offered in evidence:

INDIANAPOLIS, IND., *October 25, 1890.*

MY DEAR SIR: Mr. Wick will send you a number of slips from Hon. Mr. Dunbar, candidate for Congress. I met many of the claimants. They seem to be very worthy and needy men. Please have Mr. Scudder and others answer all of these slips by Tuesday evening next, so as to advise the claimants as to the status of their claims.

In great haste, very truly yours,

GREEN B. RAUM.

Hon. ANDREW DAVIDSON,
Acting Commissioner.

By the CHAIRMAN:

Q. In order to make it clear you spoke about any gentleman having the right to call up cases for status. Do you mean to say in a general way or casual way?—A. Oh, in a casual way; if any gentleman writing in the interests of a claimant in his own town or somebody he feels as if he would like to help we very generally give them the information; that is the rule of the office and is carried out in most all cases I think.

Q. You don't mean by that to be understood that any gentleman would have the right to send in 200 or 300 slips?—A. I would do just as I did in that case. I would not answer all of them. They were not all answered by any means.

Mr. DUNGAN. Did the letter you have spoken of inform you who Mr. Dunbar was; that he was a candidate?

A. Well, sir, I am unable to state without the letter. I don't now recall the language of the letter at all.

Mr. ENLOE. That is all I desire to ask the witness.

The WITNESS. I would like to make one further statement. I simply want to say the slips I received were from Jesse Weik and not from the Commissioner.

Thereupon the committee adjourned until to-morrow morning at 10:30 a. m.

WASHINGTON, D. C., *Saturday, April 16, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), and Messrs. Dungan and Brosius, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Mrs. CADDIE L. WRIGHT, sworn and examined.

Examined by Mr. ENLOE:

Q. Are you employed in the Pension Bureau?—A. Yes, sir.

Q. What position do you hold there?—A. Position of copyist.

Q. What division are you in?—A. The record.

Q. How long have you been employed in that division?—A. Since the 25th of September, 1890.

Q. Who is the chief of that division and has been the chief of the division since you have been there?—A. The chief of the division is now Mr. Totten.

Q. Who was the chief when you went there?—A. Maj. Barker.

Q. Who were his assistants when you went there?—A. Mr. Ford and Mr. Landon.

Q. Did either the chief or his assistants at any time treat you in a discourteous way?

Mr. DUNGAN. Or any way that offended you?

Mr. ENLOE. Did you understand the question?

A. Yes, sir; just ask me the question again, please.

Judge PAYSON. What occurred between you and Mr. Ford there that in your judgment was improper?

Mr. ENLOE. Did you make complaint to Mr. Landon, or state to him that Mr. Ford had treated you in a disrespectful manner on the street?

A. Yes, sir.

Q. State what occurred at that time of which you made complaint to Mr. Landon.—A. I will have to commence from the start and tell you it all. It was up, I think—I had been in the office a month, probably more or less, I don't remember, and I was going home from the office one evening, and at the corner of F and Eighth streets Mr. Ford was standing. I don't know whether—I can't say whether he was there to wait for me or not. I wouldn't say. I couldn't say; and he stepped up to me and said, "Mrs. Wright, can I speak to you?" and I said, "Why, yes, sir." And he said, "Can you walk down this street?" and I said, "Yes, sir." That was on Eighth street; I met him on the corner of F and walked down Eighth south.

Judge PAYSON. Alongside the Post-Office Department?

A. Yes, sir; on the other side. And he immediately began. He said, "Now, Mrs. Wright, I am a married man and you have been a married woman," and he said, "I want to be your friend, may I?" And I said,

"Why, I don't understand you," and he said, "Yes you do understand me," and he repeated this several times.

Mr. DUNGAN. That is, his wish to be a friend to you?

A. Yes, sir. Then we walked down Eighth and I saw we were nearing a neighborhood of stables and I stopped. Just then Mr. Donahue came along. He was my section chief then, and Mr. Ford turned to me and said, "Don't tell Donahue what I said to you," and I bade them both good evening and went home.

Mr. ENLOE. Did he take hold of your arm and insist upon your going with him?

A. No, sir.

Judge PAYSON. About what day was this?

A. I could not say; it probably might have been sometime in November.

Judge PAYSON. A year ago last fall?

A. Yes, sir.

The CHAIRMAN. Is that the only time that ever anything of that kind occurred?

A. Yes, sir; that is the only time he ever approached me in any way. He has not spoken to me since the occurrence.

Mr. ENLOE. I will ask you this, if as assistant chief of the division he made any change in your work or interfered in that way?

A. Only once. He detailed me for a short time. The manner in which he did it was such that I could see he didn't feel friendly toward me at all.

Q. You regarded that detail in the nature of a punishment?

Judge PAYSON. Let us see what was done.

A. I think it was last summer. Mr. Ford sent for me. Maj. Barker was away and the other assistant chief, and Mr. Ford was acting chief, and he sent for me to come to his desk, and I went and I hadn't gotten to his desk, when he said, "You report to the chief clerk," in a very ungentlemanly way. I said, "Yes, sir," and he turned to the messenger and said, "Tell the chief clerk this is the person I sent to him."

Mr. ENLOE. What was the nature of the work you were detailed to do at that time? What was the result of your visit to the chief clerk?

A. I was detailed there to do some work for the chief clerk.

Judge PAYSON. For the chief clerk?

A. Yes, sir.

Q. Nothing out of the way in the work you did?—A. No, sir; not in the least.

Mr. ENLOE. Have you had any other officials connected with the Pension Bureau treat you in the manner Mr. Ford did?

A. No, sir.

Q. Or offer you any insult?—A. No, sir; not in the least. I am treated with the greatest kindness.

Q. You didn't make any formal complaint to the chief of the division?—A. No, sir. I wish to say this: I never told that to but two persons, my mother and Mr. Landon. I told Mr. Landon because I saw Mr. Ford was inclined to be an enemy and not speak to me, and treat me with insolence, so I told Mr. Landon in the event anything should come up to protect myself.

The CHAIRMAN. Mr. Landon, in the Pension Office?

A. Yes, sir; assistant chief at the time.

Mr. DUNGAN. This is the occurrence about which you complained to Mr. Landon?

A. Yes, sir.

Mr. BROSIUS. I would like to ask a question. How long after this occurrence took place did you make the complaint to Mr. Landon?

A. I think in the winter following; sometime in the winter. It was a good while.

Q. The occurrence took place in September?—A. No, sir; I think I can remember somewhere near the date, and I can remember the weather it was, and I think it must have been in November. About the middle of November. I think it was then; but it may have been earlier or a little later; I am not sure.

Q. How far in the winter was it when you made the complaint to Mr. Landon?—A. I think probably along about the 1st of February, because I didn't make the complaint, and shouldn't have made it hadn't Mr. Ford acted in this way to lead me to believe he was not friendly. I did it to protect myself.

Mr. DUNGAN. Afterwards?

A. Yes, sir; I did it to protect myself.

Q. His actions after the occurrence made you think he was resenting your refusal?—A. Yes, sir.

Q. Let me ask you, Mrs. Wright, have you any fear of the result here to you if you should testify to this matter?—A. Only in this way—the publicity of it.

Q. That was the only objection you felt?—A. Yes, sir.

TESTIMONY OF SAMUEL McCULLOUGH—Recalled.

SAMUEL MCCULLOUGH, recalled.

By the CHAIRMAN:

Q. Do you desire to make any correction in your testimony of yestreday?—A. Yes, sir.

Q. You may make it now?—A. Yesterday, in speaking of the letter in which the Commissioner gave the cause of my dismissal, I said he said my associations with Mr. Fleming. His letter didn't mention Mr. Fleming's name. That I got of another party. It simply said association with a man who is writing articles for the newspapers derogative to me and the Pension Bureau.

Q. Without mentioning any names?—A. Yes, sir; without mentioning any names.

TESTIMONY OF V. M. HODGSON—Recalled.

V. M. HODGSON, recalled.

By Mr. ENLOE:

Q. Mr. Hodgson, at the time you had the conversation with Mr. McCullough about what you observed in regard to the pension attorneys whose cases were first taken up under the completed files, what did Mr. McCullough say to you about that so far as his observations extended in his division?—A. You have reference to whose they were?

Q. Yes, sir.—A. He said those that came under his observation first, the majority of them, were Mr. George E. Lemon's, and I think he testified to that yesterday; that is, that he first handled.

Q. Did he say anything about his observation to you in the matter at that time?—A. Not in the first observation; at a subsequent observation. We were going together more than other clerks in the office,

and one evening we talked down town after dinner together, and it was about 8 or 9 o'clock, and he said to me the same as I did to him. Then it run along for several weeks and Lemon had the majority of cases, and I asked him the question, and he told me also how many were found complete; and as I said, the majority of them were not complete; they lacked something in the case. Some cases had nothing more than the declaration. No examination by the board of surgeons, or anything of that kind; simply the declarations. No evidence in the case at all. The evidence had been called for and marked on the outside of the jacket, but had never reached the case.

Q. Did he tell you he found any considerable number of cases going through for John Raum?

Judge PAYSON. That is not competent.

The CHAIRMAN. I don't think that is competent.

Question read by reporter.

The CHAIRMAN. I don't think that is admissible. It is hearsay. It opens a dangerous ground for us. Mr. McCullough is our witness, and there is a good deal of reason and sense in following the rules of evidence.

Mr. ENLOE. If the committee is going to hold that I am bound by the truthfulness of the witnesses in the Pension Office I am not going to introduce any more.

The CHAIRMAN. I don't want to shut out any proper evidence here, and I will take the sense of the committee.

Mr. ENLOE. We will ask Mr. McCullough the question if he had this conversation with Mr. Hodgson.

TESTIMONY OF MR. McCULLOUGH—Recalled.

Mr. MCCULLOUGH recalled.

Mr. ENLOE. At the time you were talking with Mr. Hodgson before he left the service and before you were dismissed from the office pending the former investigation conducted by Congress into the management of the Pension Office, did you state to him that you had observed that a large number of cases that were going through under that completed files order were John Raum's?

A. I don't recall that I said that I had noticed that; that was the talk in the office on that subject.

Judge PAYSON. What did you say about it?

Mr. BROSIUS. Did he say that to Mr. Hodgson?

By the CHAIRMAN:

Q. While those completed files were going through your hands and Mr. Hodgson's hands, did you have any talk with Mr. Hodgson as to the number of John Raum's cases as to those that were passing through your hands or coming under your observation?—A. As I testified yesterday, I had but very few.

Q. Did you have any talk of that kind with Mr. Hodgson?—A. I think I had; I don't recall all about it.

Q. Will you state that conversation to the committee in regard to John Raum's cases?—A. That it was the report that many of them were his, but that I didn't know from my own personal observation.

Mr. ENLOE. That is all.

TESTIMONY OF MR. HODGSON—Recalled.

Mr. HODGSON recalled.

Mr. ENLOE. What did Mr. McCullough say to you about it, Mr. Hodgson?

Judge PAYSON. Do you expect to make a different showing as to what McCullough testified to?

Mr. BROSIUS. The only proper question to ask is, Did Mr. McCullough state to him what the witness said he said, that it was reported that a large number of these cases passed through?

Mr. ENLOE. Wouldn't it be proper to ask him if he told him that as a fact, stated it to him as a fact that he knew it?

Q. (By Mr. ENLOE.) What statement did he make to you about it, and how did he state it to you? Did he state to you that a large portion of John Raum's cases were passing through the division?—A. Yes, sir; but with the qualification—you must put that in—that it was so understood and talked about in the division; that has always been my understanding, and was at the time.

Mr. BROSIUS. He didn't state it as a fact himself?

A. No, sir.

Mr. DUNGAN. Simply the clerks in the division were talking about it?

A. Yes, sir; the rumor in the division.

By Judge PAYSON:

Q. How many of John Raum's cases went through your hands at that time?—A. I couldn't tell you.

Q. About how many?—A. It is impossible for me to tell.

Q. Can you tell whether there were as many as five?—A. I don't think I had more than five or six.

Q. During the whole time you were there?—A. Yes, sir.

Q. Yet you want us to understand that a good many were John Raum's?—A. No, sir.

Q. Who were talking it?—A. I don't know.

Q. You were in the Pension Office and talking with him about this, were you?—A. No, sir.

Mr. DUNGAN. The witness was talking to him about the talk in his division.

Q. Can you give the name of a man that was talking of the fact of his own knowledge?—A. I can't, any farther than Mr. McCullough.

Mr. DUNGAN. The witness does not claim he heard the talk; he says that Mr. McCullough was telling him about it.

Judge PAYSON. I don't remember that he was.

A. I was in a different division from Mr. McCullough; I was in the middle division and he was in the western division.

Mr. ENLOE. At the time that you were talking about this matter you were discussing it as a matter that should not be given out to the newspapers, were you not?

A. We were, sir, and we agreed that we would never open our lips about it or anything else connected with it.

TESTIMONY OF JOHN B. PEYTON.

JOHN B. PEYTON, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. I am 43; Washington, D. C.; I am a clerk.

Q. Have you been at any time connected with the Pension Office?—A. Yes, sir.

Q. When did you sever your connection with the office?—A. The 4th of April, 1889.

Q. How long had you been connected with the Pension Office?—A. Since about 1881.

Q. In what capacity have you served?—A. I entered the office as a clerk at a salary of $60 per month and quitted as first assistant chief of the special examination division.

Q. What caused you to sever your connection with the Pension Office?—A. It was not voluntary, my leaving the office. I was removed by the present administration.

Q. Were any grounds stated for your removal?—A. Well, not at the time. My removal occurred April 4, 1889, and the first time I learned the reasons was in the following September. I had made a full statement to the Secretary of the Interior, but had never been granted any satisfaction from him or the Commissioner of Pensions. I have here all the correspondence that has passed between myself and the Secretary of the Interior. I have carbon copies. It is all submitted in typewriting, and that will tell the whole story.

Q. Were you in the classified service?—A. Yes, sir; I was an $1,800 clerk. I have stated that there were no reasons for my removal so far as I am informed, and I have never been able to get any reasons.

Q. I will ask you if you were in the Pension Office at the time Gen. Dudley's administration was investigated?—A. I was.

Q. Did you take any part in that investigation?—A. Yes, sir; I was detailed by the then Commissioner of Pensions, Maj. Clark, to assist him.

Q. Did you seek that position?—A. I did not.

Q. Did you know anything about the intentions to detail you to this service until you were?—A. No, sir.

Q. Do you know why you were detailed to do that work?—A. Yes, sir; because I had charge of that branch of the Bureau that would enable me to tell the committee what they wished to know, probably better than anybody else in the Bureau. I had charge of the expense accounts and daily reports of that portion of the Bureau.

Q. Did you take any interest in the investigation independently of what you were required to do under the orders of your superior officers?—A. No, sir; I did not.

Q. Who was it that was responsible for your removal?—A. Under the Tanner administration. I don't know who was responsible, but I think it was attributable to Mr. Theodore Smith and Mr. George Wayson.

Q. You will furnish the committee what evidence you have in regard to your removal—what information you have been able to get since that time by your correspondence with the office.—A. Yes, sir.

By Judge PAYSON:

Q. Confining it to facts; not your supposition about it.—A. There

were charges made against me by the Commissioner of Pensions, Mr. Tanner, which were wholly unfounded, and they were acted upon by the Secretary. They charged me with being an offensive partisan and having interested myself to obtain literature for campaign purposes and campaign books; that is, Democratic literature. In every matter that was charged it was entirely false.

Q. Were those charges made by Mr. Tanner officially?—A. Yes, sir.

Q. Were they based on information furnished by anybody else?—A. I don't know, sir; I presume, though, that the Commissioner had some information on the subject.

Q. Did you have any means of knowing how he got that information?—A. No, sir; none in the world, unless, as I said before, it was Theodore Smith and George Wayson. I understood they did a great deal of that kind of work—giving that kind of information. I understood they counseled together in the office and fixed those things up.

By Mr. ENLOE:

Q. Have you the correspondence with you; copies of it—copies of it that you had with the office in regard to your dismissal?—A. Yes, sir; I have that here in the room.

Q. Will you get that and submit that to the committee?—A. Yes, sir (witness produces paper).

Q. Before you submit those papers in regard to the charges preferred against you by Commissioner Tanner, is it a fact that you have been taking active part in politics since you have been connected with the Pension Office?—A. No, sir; I never had any active part in politics while employed in the Pension Bureau in any manner, shape, or form.

Q. Did you collect any information for Democratic campaign books?—A. Never in my life.

Q. Did you neglect your duties in the office?—A. No, sir; my record will show that I did not neglect my duties.

Q. You may state what efforts you made to get information about the reasons of your removal.—A. I have them here, sir; and I will state that I have never been able to get any satisfactory reason, though I have persistently, from the day until now, tried to get some information on the subject, and I learned, this morning, in fact, that there were letters on file in the Department in regard to me that I never heard of before in my life.

Q. What matter is it you have learned in the last day or two of things that are on file?—A. I learned there is a letter making charges against me, in substance as charged by Commissioner Tanner, of neglecting my duties, etc., and working on this campaign book.

Q. Did you learn who wrote the letter?—A. No, sir; it is in the files of the Interior Department.

Mr. ENLOE. It is not necessary that this matter should all be read before the committee.

The CHAIRMAN. Is it really necessary to put it all in?

Mr. ENLOE. I think it is a very good matter to go in in connection with this case.

Mr. DUNGAN. What are the substances of the charges?

Mr. ENLOE. That he had neglected his office duties and he was an offensive partisan and assisted the Democratic party in getting up a campaign book.

Q. Did you know what the substance of the charges were before you were dismissed?—A. No, sir.

Q. You made no defense, then?—A. No, sir; I was not afforded an opportunity. That was the point I desired to make. I explained and explained. I understand when Secretary Noble testified on the stand he said he had always given a reason for any acts of that kind, but he didn't do so in my case. On the contrary, he has refused to do so, and has added insult to injury time and time again.

Q. Well, you filed evidence, did you, to show that those charges were not true?—A. No, sir; I was not given an opportunity to do so.

The CHAIRMAN. He didn't know what the charges were.

Mr. ENLOE. He knows what the charges were that Tanner alleged against him.

A. Yes, sir; my point is to get a hearing in order to refute the charges made by Mr. Tanner.

The CHAIRMAN. What were they?

A. They are in those papers.

Mr. ENLOE. Is there anything you want to say in connection with this?

A. No, sir; my case is complete there.

By the CHAIRMAN:

Q. You say these charges that you have been trying to get information about are on file in the Secretary's office?—A. Yes, sir.

Q. But you don't know who the author is?—A. No, sir; I don't know anything about it. I simply know that I have not learned the facts of the case to-day, so I have been trying ever since I was discharged to get a hearing.

By Judge PAYSON:

Q. Does the formal letter for your dismissal appear in these papers?—A. No, sir.

Q. From the Secretary?—A. No, sir; it does not.

Q. Why didn't you bring that?—A. I didn't think that that would be of any use in this case at all.

Q. What is the substance of that?—A. Simply that your services will not be required after a certain date.

Q. And that is all?—A. Yes, sir.

Q. When was this?—A. April 4, 1889.

The CHAIRMAN. Before the present Commissioner went in?

A. Yes, sir.

Judge PAYSON. He went in in October.

By Mr. DUNGAN:

Q. You speak of your having some belief that Smith and Wayson were at the bottom of this matter. Did you have any knowledge of their consulting together for the purpose of getting others removed?—A. No personal knowledge, sir; only hearsay.

Q. From outside of the office?—A. From the second assistant chief of the division, who was invited to participate in this matter and refused to do so and advised these men not to do so.

The CHAIRMAN. What is his name?

A. Fred. W. Mitchell.

Mr. ENLOE. Who was it that invited Mr. Mitchell?

A. Smith and Wayson.

The CHAIRMAN. Let those papers go in. In think they ought to be in evidence.

Mr. ENLOE. Let them go in here then.

By Mr. BROSIUS:

Q. Mr. Peyton, did you produce these papers you have just handed to Mr. Enloe? Did you produce them yourself?—A. Yes, sir.

Q. How did you procure them?—A. I retained copies; as I filed copies with the Secretary of the Interior I retained copies of them.

Mr. DUNGAN. At the time it was going on?—A. Yes, sir.

By Mr. BROSIUS:

Q. These papers contain charges made against you upon which you were removed?—A. Yes, sir.

Q. Then you knew?—A. I knew there were charges, but they were without foundation.

Q. You knew the charges?—A. Yes, sir.

Q. Are they in this statement?—A. Yes, sir, partially, but they are mythical. The unfounded charges are, yes, sir.

Q. You had knowledge from time to time of the nature of the charges against you?—A. Yes, sir.

By Mr. ENLOE:

Q. You were simply denied any opportunity to make any defense?—A. To a hearing, yes, sir.

The following papers were here offered in evidence relating to the dismissal of John B. Peyton, assistant chief special examination division, Pension Bureau.

EXHIBIT A.

WASHINGTON, D. C., *April 4, 1889.*

SIR: I received your communication notifying me of my dismissal from the graded service of your Department, upon the recommendation of the honorable Commissioner of Pensions, to-day.

As I have faithfully discharged the duties pertaining to my office, and as my private character is above reproach in this the city of my birth and lifelong residence, I request that, in justice to me and in the interests of the public service, you call upon the honorable Commissioner of Pensions for a report as to the facts upon which he based his recommendation of dismissal.

I surmise that my dismissal is based upon what the honorable Commissioner has been pleased to deem a case of offensive partisanship upon *ex parte* statements of a person or persons who do not understand my case, and a letter that has appeared in the public prints, and other matters appearing in the official record of the proceedings of Congress. My reason for thinking so is that your action of dismissal was foreshadowed some weeks since in a threat of Mr. E. G. Rathbone (formerly chief of the special examination division of the Pension Bureau, now in Washington seeking office) that he would carry home with him "my scalp" and those of others who, to use his expression, had betrayed him in office.

Relying upon the administration's profession of regard for the civil-service laws in letter and spirit, and upon your sense of right and duty, I respectfully submit to you my explanation of the matters for which, I suppose, I am made to suffer in such haste and without a hearing, together with a brief statement of my services to the Government, with the hope that when all the facts are before you you will order my reinstatement.

The accompanying papers show seventeen years of efficient and honorable service to the Government, and promotion from the lowest to the highest grades of clerkships twice—once through the competitive system of civil-service examinations—and that my private character is above reproach. The official monthly efficiency record of the Pension Bureau also establishes my efficiency and correct habits. The accompanying statement, under oath, by Mr. E. G. Rathbone (p. 227, report of Congressional Committee on Payment of Pensions, Bounty, and Back Pay) has also an important bearing on my merit as an official.

[Page 227, Rept. Cong. Com. Payment Pensions, Bounty, and Back Pay.]

The witness, E. G. Rathbone. I took hold of the special examiner's division on the 2d of July, 1883. It had been in my charge but a few weeks when the assistant chief

clerk of the Pension Office stated to me that he could give me a promotion from a $1,200 to a $1,400 grade, and he asked me to make a nomination.

I did not know anybody in the division whom I wished to promote, and therefore I called my assistant chief, who gave me the names of three or four persons in the division whom he thought most worthy of promotion. Finally I asked him to give me the names of one of these men having the largest family, and he gave me the name of John B. Peyton. I immediately wrote a letter recommending Mr. Peyton's promotion. I think it was the first time that I signed my name as chief of the special examination division. On December 18, 1883, I again recommended him, in writing, for promotion, and then on February 20, 1884; and again on June 30, 1884, I recommended his promotion from a second to a third grade, and on the 5th of September, 1884, I recommended his promotion from a second to a fourth grade; that is, from a $1,400 clerkship to an $1,800 clerkship. Accompanying this last recommendation, I wrote the strongest letter that I ever wrote in my life asking for the promotion of any man. I often said to Mr. Peyton that I had tried to get promotion for him. I have importuned the chief clerk, and the assistant chief clerk, and the Commissioner, to give him promotion; and during the investigation in my office I happened to mention it to him again. I said to him in substance, "I have tried to get you a promotion, and I would be glad to get it for you, if I can."

Committee adjourned until to-morrow.

That Mr. Rathbone entertains a bitter and unreasonable hatred for me is evidenced by the fact that he immediately commenced to persecute me after the adjournment of the committee referred to. He deprived me of authority he had given me in his division, and by subsequent acts had me transferred out of his division—matters of record.

My appearance before the Committee of Congress on Payment of Pensions, Bounty, and Back Pay, investigating the affairs of the Pension Bureau, was not only not solicited by me, but was positively distasteful. I would have avoided it if I could, but, unfortunately for me, my official position drew me into it. I did not know I would be involved, nor, in fact, that there was to be an investigation, until after I had seen a newspaper statement that I would be or had been detailed by the Commissioner of Pensions, Hon. O. P. G. Clark, to assist the committee at the request of its chairman, Gen. Warner.

I did not know, until after I had been detailed, any member of the committee, or its clerk, or any one connected with it, directly or indirectly, and had never communicated with any person, nor received a communication from any person, connected with it in any way. In short, my detail, the act of the Commissioner of Pensions, Maj. Clarke, brought with it my first knowledge of the existence even of such a committee as that on Payment of Pensions, Bounty, and Back Pay, and its desire to investigate the management of the Pension Bureau. In this connection I invite attention to the joint statement of the chairman of the committee and one of its members now in Congress, and to the statement of the clerk to the committee, Mr. David Okey; also to the concluding remarks of the chairman of the committee (see annexed slip), p. 279 of the official report of the committee.

WASHINGTON, D. C., ——— ——, 1889.

Referring to the official report of the House committee on Payment of Pensions, Bounty, and Back Pay, U. S. House of Representatives, of which we were members, in the matter of the investigation of the affairs of the U. S. Pension Bureau, we bear witness to the fact that Mr. J. B. Peyton was detailed by the Commissioner of Pensions to assist the committee, at the request of the chairman of the committee, without solicitation on Mr. Peyton's part. Mr. Peyton's detail was requested because he had direct supervision and charge of the daily reports and expense accounts of special examiners traveling for the Bureau, and could, therefore, more readily than any other clerk, render the committee needed assistance in the conduct of its investigation.

Being assured of Mr. Peyton's usefulness as a public officer (his official record is a lengthy, honorable, and most excellent one), and having personal knowledge of his consistent and honorable course during the investigation referred torwe desire his retention in office. To punish Mr. Peyton for circumstances over which he had no control by removing him from office, or reducing him in salary, would be manifestly unjust and a bad precedent upon grounds of public policy. His case comes clearly within the spirit of the civil-service laws now in force, and it is upon this ground, and because of his ascertained value as a public servant, that we earnestly urge his retention in the Pension Bureau.

A. J. WARNER,
Late Chairman Com. on Payment of Pensions, Bounty, and Back Pay, U. S. House Reps.

JNO. W. ROGERS,
4th Cong. Dist. Arkansas.

WASHINGTON, D. C., ——— ——, 1889.

Referring to page 279 of the official report of the Committee on Payment of Pensions, Bounty, and Back Pay, U. S. House of Representatives, Hon. A. J. Warner, chairman, in the matter of the investigation of the affairs of the Pension Bureau, I can state positively, from personal knowledge, that Mr. John B. Peyton was detailed by the Commissioner of Pensions at the request of the chairman of the committee to assist the committee without solicitation on his part, and, I firmly believe, without his knowledge or consent. I have always so understood the matter.

My official position, special clerk to the committee, gave me full knowledge of the entire proceedings from their inception, and I know that Mr. Peyton was detailed, because he had charge of the daily reports and accounts of the field force of the Bureau, and could, more readily than any other clerk, render the committee assistance by reason of his personal and direct knowledge of official transactions within the scope of his official duties. Mr. Peyton, acting under the orders of the Commissioner of Pensions, assisted the committee from day to day in the Bureau, and necessarily testified before the committee. His conduct was straightforward and honorable throughout the entire investigation, and not only proved himself a most efficient officer, but through his intelligence and courtesy contributed materially to the success of the investigation.

DAVID OKEY,
Late Special Clerk to Com. on Payment of Pensions, Bounty, and Back Pay, U. S. House of Reps.

[Page 227, Rept. Cong. Com. Payment Pensions, Bounty, and Back Pay.]

The CHAIRMAN. In closing the testimony now (as the committee must now close its work, there being no time for further investigation), I think it due to the clerks who have been detailed from the Pension Office to assist the committee, at the request of the committee, that it should be said, for the purpose of being put upon the record (and especially since an effort has been made to cast some reflection upon these clerks and their work), that they were assigned to this duty by the Commissioner of Pensions on the request of the committee, through its chairman. One of them at any rate knew nothing about the matter until he was assigned. His assignment was asked because he had charge of the records in a part of the inquiry which was then about to be made, and he could more readily than any other clerk furnish the information required. His appointment was not of his own asking at all, and for that matter the appointment of neither of them was. They were designated, however, because the chairman of the committee believed at that time that they had information which fitted them to do the work required of them perhaps better than most other clerks, and it is due to them, I think, that it should be said that they have done only what they have been requested to do by the committee; that they have done that faithfully and well, and that they have in no way acted as spies or detectives, but have given such information as they possessed when asked for it. They have done what they have been asked to do and have done it faithfully and well. I think it is due to them (on account of what has been said two or three times during the examination) that this should be stated. The two clerks are Mr. Forbes and Mr. Peyton.

In detailing me the Commissioner's orders were to extend every courtesy to the committee, and to conceal nothing from them which they wished to know concerning the affairs of the Pension Bureau, or the movements of its employés, so far as my official knowledge extended. I obeyed my orders strictly.

With reference to the letter referred to I have to state that it was written not only under the instructions of the Commissioner of Pensions, my official superior (see his indorsement on copy of the letter referred to, attached, and my letter to him asking for the indorsement), but that the facts as well were gathered or rather verified at his instance and direction.

After a full discussion of the entire subject matter of the letter in the Pension building, Gen. Black directed me to verify the facts related to him at his request, and to put them in writing. This I did with no other idea or thought than that the matter was for his personal consideration and information.

The fact that the letter might go further never occurred to me, and my connection with it, in all fairness, ended with obedience to instructions of my official superior. I supposed that Gen. Black wished me to be doubly sure of my facts, and that I would be so if compelled to put them in writing. I kept no copy of the letter, and never saw or heard of it from Gen. Black, or any one else, after I handed it to him, by his direction, until it appeared in print months afterwards. I do not know how it got in print. I attached no political importance to the letter when I wrote it, and supposed it had been destroyed until its appearance in print.

In conclusion, I will state that I have no vote; was never an active member of any political organization, never contributed to a campaign fund, and have never been an offensive partisan in any sense.

If the cause of my offending is as I have surmised, I desire it to be distinctly understood now, as it was then, that I acted in nowise as a volunteer, but either as a subpœnaed witness or in strict obedience to the orders and directions of my superior officers, and I can not believe, Mr. Secretary, that you will permit a subordinate officer of your Department to be punished for the discharge of what he honestly felt to be his official duty, and that without even an opportunity to be heard.

Very respectfully,

JOHN B. PEYTON,
206 Pennsylvania Avenue SE., Washington, D. C.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

WASHINGTON, D. C., *April 30, 1889.*

DEAR SIR: I write to bring to your personal attention the matter of my dismissal from the Interior Department, which occurred April 4, 1889, by your order. I have been unable to reach you in your official capacity to date, notwithstanding the fact that the intervening weeks have been consumed in my efforts to do so.

In the first instance, and after you had visited injustice upon me through the representations of the Hon. Commissioner of Pensions, who laid the political sins of others at my door, conscientiously I have no doubt, I tried to see you as the Secretary, and am still trying to get your attention in that capacity, that I may convince you of the injustice done me. Your private secretary referred me to Gen Bussey, who, after many days' delay, in which I had repeated interviews with him, referred me to Judge Chandler, and he, in turn, after many more days of delay and several interviews, now refers me to you, and advises me that you alone can settle my matter and similar cases; and so the weeks have gone. If you will read my statement filed in the Department immediately after my dismissal, and those of others accompanying it, you will see at once that I have been wronged, and that, being of the graded service, I should be reinstated. Your action has brought hardship and suffering into my household for the offenses of other persons for whose actions I am in nowise responsible, all of which is clearly shown in the papers referred to.

Under the circumstances I trust that your sense of duty and your official obligations will impel you to devote the few moments necessary to the final disposition of my case, and I rely upon you to do so at once. My honorable course through life and nearly twenty years of faithful and efficient service to the Government I think entitles me to at least a fair hearing.

Very respectfully,

JOHN B. PEYTON,
206 Pennsylvania Avenue SE., Washington, D. C.

Hon. JOHN W. NOBLE.

Marked *personal* and delivered by hand at the Hotel Arno May 1, 1889.

J. B. P.

DEPARTMENT OF THE INTERIOR,
Washington, May 9, 1889.

DEAR SIR: I have received your letter of the 30th of April, and have carefully considered your request to be reinstated in the Pension Office, and I have to inform you that upon investigation I find no reason to change the order dismissing you, and it must stand, therefore, without further discussion.

Yours truly,

JOHN W. NOBLE,
Secretary.

Mr. JOHN B. PEYTON,
206 Pennsylvania Avenue SE., Washington, D. C.

WASHINGTON, D. C., *May 10, 1889.*

SIR: I write to request that you give me the reason for my dismissal from your Bureau, which occurred on the 4th ultimo. It is but right that you should do so, as the abrupt action of the Secretary, upon your recommendation, naturally leaves

others to infer that you discovered me to be inefficient as a clerk or have knowledge of matters affecting my personal character to such an extent as to justify my removal from office.

Very respectfully,

JOHN W. PEYTON,
206 Pennsylvania Avenue SE., Washington, D. C.

Hon. JAMES M. TANNER,
Commissioner of Pensions.

WASHINGTON, D. C., *May 20, 1889.*

SIR: I received your communication of the 9th instant, advising me that upon investigation you find no reason to change your order dismissing me, and that the order must stand without further discussion.

As neither you nor anyone for you has given me an opportunity to discuss the matter of my dismissal, I do not quite comprehend your meaning unless it be that at my expense you would put yourself upon record as having seemingly treated me with fairness. This you can not do to the satisfaction of myself or friends until I am at least accorded an opportunity to be heard fully. Any investigation you may have made is clearly *ex parte*, as I knew nothing of it, and have had no reason whatever assigned for my dismissal. Therefore, the fact is, that so far from having discussed the matter of my dismissal with me, you have not even allowed me the poor satisfaction of knowing why you dismissed me, save that your order of dismissal was based upon the recommendation of the honorable Commissioner of Pensions, and I am in ignorance upon that point to-day, notwithstanding the fact that I have earnestly and persistently sought the reason from you and both your assistants and have asked the Commissioner of Pensions for it. It may be your pleasure to turn a deaf ear to my appeals for justice, but I shall not cease my efforts on that account so long as there may be reason to believe that the civil-service laws are to be respected by the present administration.

Very respectfully,

JOHN B. PEYTON,
206 Pennsylvania Avenue SE., Washington, D. C.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

WASHINGTON, D. C., *February 27, 1892.*

SIR: Replying to your official communication of May 24, 1889, addressed to me in answer to my communication to you of May 20, 1889, I would respectfully state that I have at last succeeded in learning, through the courtesy of the Hon. Comr. of Pensions, Genl. Raum, the real causes, or rather the false statements, which effected my removal from the Pension Bureau of your Department, April 3, 1889, less than 30 days after the incoming of the present administration.

Your communication above referred to is embodied herein for convenience. It reads as follows:

"By your letter of the 20th inst. you demand that I shall give further consideration to your demand for reinstatement. I have to inform you that this Department has arrived at the conclusion that, as a clerk, you were officious and scheming while in office; that you are inclined to cater to the interests of the party in power for the purpose of holding the place; that your papers and writings on file display yours to be a somewhat treacherous character; and that you are inclined to put the responsibility of your action on your superior officer, and use that as a cloak for your own designs. These conclusions have been reached after an examination of your own letters and papers on file in this Department, and your dismissal, in my opinion, was warranted, and a reinstatement is refused.

"Hoping that this will relieve me from your further demands for official notice,

"Yours, &c.,

JNO. W. NOBLE,
Secretary."

Your unbecoming resort to personal abuse can not avail you in your attempt to justify your action, now that I have in tangible form the flimsy and slanderous charges upon which you based my dismissal from office. Were I so inclined, I could well afford to remain silent in a community where an upright life has guaranteed me the respect and lasting esteem of my fellow-citizens, for, fortunate, in Washington, Mr. Secretary, men's characters depend upon the conduct of their lives rather than upon *the reckless charges and acts* of unscrupulous and short-lived officials who ride into

power with the political wave only to succumb to its countercurrent. Far from remaining silent, I propose to fix upon you, unmistakably, in the minds of fair men, responsibility for your persistent injustice towards an honest and efficient public servant, as shown by official records. Had fair methods prevailed in your Department, and a courteous conduct of its affairs marked your administration, I should not now be compelled in self-defense to write as I do, and, though fully appreciating what Shakespeare meant, when he referred to the "insolence of office," I do not intend, Mr. Secretary, to be personal with you to any greater extent than is necessary to vindicate myself from your unwarranted aspersions. Prudence, and a regard for the proprieties of life, shall restrain me as heretofore, notwithstanding the injustice you have put upon me through an abuse of the power confided to you for the good of the people; your letter herein embodied, it is needless to say, convinced me at once and for all time that right and justice were, are, and ever will be but poor pleas before the Interior Department so long as you may attain the power of administering its affairs. Knowing this fact, I have borne my wrongs in silence as best I could until, as I say, General Raum kindly put me in possession of the actual charges, which you had not the candor to do. Had you performed your duty in this matter, Mr. Secretary, your administration might have been saved much of the odium which justly attaches to it through the subsequent acts of one James M. Tanner, a fellow who brands himself a rank falsifier in this one of his first transactions with you.

But to return to your letter and its specifications. Your statement that "I was officious and scheming when in office" is, if you will observe, flatly contradicted by a 17-years official record, and will yet be, I trust, by the testimony of my office mates, regardless of politics. This defense of my office mates you have persistently and designedly refused me to date. Fortunately my official record you can not rob me of.

Your statement that "you are inclined to cater to the interests of the party holding power for the purpose of holding place" is a slander, and I challenge you to make good your words before any impartial tribunal. This charge I read between your lines to mean, "You are a Democrat and your place is wanted." The motive which actuated you is too plain to be misunderstood.

Your last statement, "Your writing on file display yours to be a somewhat treacherous character and you are inclined to put the responsibility of your actions on your official superior, and use that as a cloak for your own designs," is also without foundation, and my papers on file, allow me to contradict you flatly—they speak for themselves at all times—do not show any such state of facts as you allege, nor any other state of facts than that I have suffered great wrong at your hands.

Your solicitude and designedly kind interest in Gen. Black's behalf in your feeble attempt to besmirch me is truly pathetic—however, I am perfectly content to let Gen. Black's statement in my behalf stand as an offset to your subterfuge. His statement is as follows, and it bears out my prior statements to the letter:

"I am in receipt of your communications stating that you have been dismissed from the Bureau of Pensions, and informing me further that you believe such dismissal to be due to a communication over your signature published during the year 1886, in what was known as the Democratic Campaign Book.

"After I became Commissioner of Pensions I found you in the position of clerk, and was informed, *by others than yourself*, that you had been subjected to what you regarded as almost persecution for the steadfastness with which you had adhered to your personal judgment in political matters. I was also informed, *by others than yourself*, that you were personally aware of official improprieties in the past, and I called upon you to state to me your knowledge of these facts. You so stated to me what you knew. I then directed you should prepare in writing a statement of the facts which you had verbally communicated to me under my orders, and you did so. I do not now recollect that you volunteered any statement, but that all that you submitted and all that you wrote was done because I directed it. I do not mean that I told you to recite things as facts; what I mean is, that I told you to tell the truth as to those facts.

"You were no more responsible for the preparation of your letter to me than would any other clerk have been to whom I had issued an order to tell the truth about a matter within his official cognizance. You were in no wise and in no degree responsible for the publication of the letter. You did not volunteer your information.

"Yours, truly,

"JOHN C. BLACK."

The statements as supplied me by General Raum, and which are of record in ex-Commissioner Tanner's secret official letter book, are, in substance, as follows: This fellow Tanner, if you will observe, handled the truth so carelessly that you must at once have discovered him to be utterly lacking in principle and unworthy of any public trust, had you given me an opportunity to be heard, for he convicts himself

of malicious slander by the official records in his own keeping and over his own signature to effect my removal, of which fact later on, but, to resume—

Tanner's letter book shows that he asked you to remove me. You replied, he (Mr Peyton) can not be removed *without some reason*. His record is good. Mr. Tanner accepted your broad suggestion at once, and between the two of you the guillotine was set in motion within thirty days of your accession to power, personal rights, the good of the public service, and the civil-service laws to the contrary nothwithstanding. By your invitation, I say, Mr. Secretary, Tanner furnished you with the following pretext, which was, the result shows, all you wanted to insure the removal of a Democrat, whose subsequent appeals for justice you have persistently attempted to smother.

Tanner's letter book, after showing what has been related, continues and reads, in substance, as follows:

"This man Peyton is a violent Democrat and partisan. He is officious and absented himself for months at a time from the office securing campaign literature for the Democratic party. His statements are wanting in veracity, and all this when he should have been at his desk settling pension cases. He should be removed at once and be debarred from any patronage under this administration. He is the first one, but there are many more to follow him."

Tanner's subsequent action in the matter of removals, and your hearty co-opeartion with him, shows that the last paragraph of his letter, falsely accusing me, was not without meaning. The written words of this creature Tanner, whom I never saw in my life, show that he did not even so much as know what my official duties were, for he charges my absence from duty, when, to quote him, "I should have been at my desk settling pension cases." As a matter of fact, Mr. Secretary, I had nothing whatever to do with pension cases. I was the accounting officer for the special examination division, and it is this fact that enables me to again fasten willful falsehood and malicious slander upon Mr. Tanner in the matter of his charge that "I absented myself from my official duties for months at a time securing campaign literature for the Democratic party." My personal certificates in my own handwriting on each of the vouchers current, and passing my desk from the 1st to the 20th of each month, will show my constant presence at my post of duty, and is a complete answer to this charge. With one exception, I was never absent from my desk for a month at a time during my 17 years of service to the Government, and that one time was during a severe spell of sickness which very nearly cost me my life, a fact widely known in the Pension Bureau. This spell of illness occurred in the elecf tion year, 1888, and continued from about the middle of August to the middle os October. Five weeks of this time I spent in bed helpless and upon my back. Thi-absence on sick leave (see official records) is evidently what the unscrupulous Tanner colored into months of absence on campaigning work.

Tanner's charges are a tissue of falsehoods from beginning to end and utterly without foundation. You can not produce a witness who can sustain any one of them upon a fair hearing; I challenge you to attempt it. On the contrary, a score of my office mates, regardless of politics, stand ready to disprove every one of them when fair methods shall obtain in your Department. But enough of Tanner; he has passed through "the mills of the Gods." Likewise his man Friday, Theodore Smith.

I am a Democrat, sir, to the extent stated in my appeal to you for justice, but nothing more, and I was never guilty of the slightest prostitution of my office to political ends, nor did I ever act the partisan in an offensive sense. As before stated, I simply discharged my duty to General Black and as a public servant.

General Black, in my opinion, made the best Commissioner the Bureau has ever known, and his clean and effective administration stands in marked contrast with the corrupt practices of Dudley and Tanner, which have rendered the Bureau a stench in the nostrils of the people. General Black's manly and generous effort to shield his former subordinate from injustice and slander is certainly in happy contrast with your arbitrary and tyrannical methods. It is a notorious fact that you have removed nearly every man who prominently assisted General Black in the administration of the Bureau.

To sum up: All the statements effecting my removal are false, and shown to be so by official records where circumstances permit, and any lack of fair dealing, veracity, and official probity is on your side of this controversy, which you have forced upon me. So far as manliness is concerned, Mr. Secretary, had you given me a hearing you would have shown somewhat of that quality, even had you dismissed me afterwards, for I should have made no objection to removal on account of Democracy, had that been the professed policy of the administration you represent; but it was not. I have, however, very decided objections to being slandered, and I will not tolerate it in any man, however exalted his official position.

The spoils system of disposing of Governmental patronage may have its bad features, but it is infinitely more honorable to say to men, your places are wanted, than to strike them down in the dark upon the slanders and calumnies of scoundrels who,

had they their deserts, would be in penitentiaries. No civil service system, however perfect in theory, can thrive under administrations where such practices as yours prevail in the matter of removals.

When a better man shall have succeeded you, and fairer methods obtain in the Interior Department, I shall at least seek a vindication of my personal and official character; until then I abide in the faith that "Truth crushed to earth will rise again."

Recognizing the courtesy due the head of one of the great executive Departments of the Government, I subscribe myself, yours, respectfully,

JOHN B. PEYTON,
Late 1st Asst. Chief S. E. Division, U. S. Pension Bureau.

Hon. JNO. W. NOBLE,
Secretary of the Interior.

I request that this communication be placed with my papers, as part of my official record.

TESTIMONY OF E. D. BAILEY.

E. D. BAILEY, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence and occupation.—A. My name is Edw. D. Bailey, and I reside in the city of Washington. I am engaged in the Civil Service Commission, acting as chief examiner in the absence of the chief examiner.

Q. Have any employés of the Pension Office made any inquiries of you, or of anyone connected with the civil service, to your knowledge, about the propriety of paying for promotions in the Pension Office?—A. Not to me, certainly, and not to my knowledge to anyone connected with the Civil Service Commission.

Q. Do you remember anything about the examination of Mr. Lineaweaver by the Civil Service Commission for appointment?—A. The examination was before I was connected with the Civil Service Commission, a few months. I have no personal knowledge of it except the papers in the case.

Q. Have you the papers in the case relating to his examination?—A. Yes, sir.

Q. Let me see them please.

(Witness hands papers to Mr. Enloe.)

Q. Is the applicant for civil service examination required to swear to his declaration? Does he make oath to his declaration?—A. Yes, sir; he does.

Q. Do you know whether or not there was any question at that time as to the residence of Mr. Lineaweaver?—A. The papers I have submitted to you, and also the records of the Commission, show that Mr. Lineaweaver stated in his first application that he was a resident of the District of Columbia, and subsequently filed an affidavit, which you will find in those papers, stating that he was mistaken as to his legal residence, and he should have claimed Pennsylvania. He filed, in connection with that, another application, showing his residence to be in the State of Pennsylvania, and basing his claim to residence there upon the fact that he was a minor, and his father was a legal resident of that State.

By Judge PAYSON:

Q. The papers show what you are relating now?—A. Yes, sir.

Q. They show for themselves?—A. Yes, sir.

Mr. ENLOE. I don't know as it is necessary to put in all those papers.

Judge PAYSON. If there is going to be any controversy over it you

had better let the papers go in themselves. It will take only a little while to have him have a transcript made of it.

The CHAIRMAN. What do you wish to call his attention to particularly?

Mr. ENLOE. I call his attention to his legal residence.

A. If it is a question as to his legal residence only, the papers you have detached from these are all that bear upon that point. You have two affidavits there—one from the District of Columbia, and one from the State of Pennsylvania, in this affidavit, alleging an error in his original claim.

Mr. ENLOE. Those papers will cover the points then, I think.

Q. Did the Civil Service Commission, when these papers were filed, make any inquiry outside of the statement contained in the application and in the affidavit filed by Mr. Lineaweaver? I will ask you if it is a rule of the office to do that?

Judge PAYSON. I object to that. The question is, What was done with these people?

By Mr. ENLOE:

Q. I will ask you this question and submit it to the committee: Does the Civil Service Commission, when an applicant comes before it formally and makes a declaration and swears to it, swears to the facts contained therein—does the Commission go beyond that to inquire whether or not they are true?—A. The Commission does at this time. If permitted I would be glad to briefly state the history of the increased stringency of the investigation on that point.

Q. Please do so.—A. Early in the history of the Commission the persons who vouched for the legal residence of the applicant were not even required to be residents of that State, and you will find in those cases they were not residents; but subsequently the Commission required all vouchers as to the residence of the applicant to be residents of the State, and one of these must be a resident of the county also; and subsequent to that, by act of Congress, it was required that an officer of the county should certify to the legal residence; and subsequent to that, and according to the more recent practice of the Commission, they go back of it all, if there is any question of the legal residence, and require a statement of the grounds of the claim.

Q. If at the time he made this application his residence had been in the District of Columbia, would he have been eligible to the appointment?—A. I think not, sir. I was not connected with the Commission at that time, but am very confident, from a general knowledge of the facts, that at that time the residents of the District of Columbia were ineligible. I came into the Commission a little later, and that was the practice that time, in July of that year.

Mr. ENLOE. I will ask that these papers, those two, the application of Mr. Lineaweaver and his affidavit, be made a part of the record.

The CHAIRMAN (to witness). Will you make a copy of those, sir?

A. Yes, sir.

The following are true copies of the papers referred to by witness:

[Form No. 1, February, 1887.]

Application paper for the Departmental service, United States Civil Service Commission.

1. The *Classified Service* for which examinations are required is divided into three distinct branches: (1) The *Departmental Service* at Washington; (2) The *Customs Service;* and (3) The *Postal Service.* This application can be used for the Departmental service only.

2. No person can be an applicant for more than one of these branches at the same time, and if already on a register for one branch, he can not be examined for either of the others. The number of females *appointed during* the past year was less than one-seventh the number of males.

3. *Every blank* in the paragraphs numbered from 1 to 24, inclusive, must be properly filled, and every principal question included therein must be answered, in the handwriting of the applicant; and, if the answers to the principal questions call for it, every subordinate question in the paragraphs lettered *a*, *b*, *c*, etc., must also be answered, or this application will be returned for correction.

4. Applications which disclose a lack of the qualifications as to age, health, citizenship, etc., required by the rules, will be rejected.

5. This application must be signed, sworn to, and sent to the United States Civil Service Commission, Washington, D. C.

6. As this application is appropriate for the general and limited examinations only (to which the supplementary subjects may be added), any person wishing to take a special examination should apply to the Commission for the proper blank.

7. This application must be transmitted to the United States Civil Service Commission within sixty days after the date stamped hereon, or it will not be placed on file.

APPLICATION.

[April 2, 1887.]

I make and swear to this *application* with the purpose of taking the first examination open to me, and of entering without delay upon the duties of any place in the Departmental service to which I may be appointed, and I promise to inform promptly the United States Civil Service Commission of any change in such purpose.

1. Are you a citizen of the United States?—Ans. Yes.

2. Which examination—the general or the limited—will you take?—Ans. I will take the limited.

3. What is your full name?—Ans. Harry E. Lineaweaver.

4. What is your post-office address?—Ans. 405 A st. S. E., Washington, D. C.

5. What is your actual bona fide [legal] residence at this time?—Ans. It is in Shrewsbury, in the State of Penn.

6. How long have you been a resident of the last-named State?—Ans. I have been a resident therein during the period of all my life, it being the domicile of my father and mother, and I being a minor.

7. Where, to the best of your information and belief, were you born?—Ans. I was born at Washington, in Dist. of Col., on the 3 day of August, 1868, and I am therefore nearly 19 years of age.

8. Where was your education chiefly received?—Ans. It was chiefly received at Washington public schools.

9. What is your present business?—Ans. Messenger in the Pension Office.

10. Have you an application on file for the civil service of the United States.—Ans. Yes.

(*a*) If yes, state at what office and for what position. This application is to form a part thereof, it being offered as an amendment.

11. Were you ever in the civil service of the United States?—Ans. No.

12. Were you ever examined for the civil service of the United States?—Ans. No.

13. Are you now in the military or naval service of the United States?—Ans. No.

14. Were you ever in the military or naval service of the United States?—Ans. No.

15. What has been your principal business (or, if you have had none), what has been your employment or position, and your place of abode during each of the five years named in the next blanks?

1882, Washington, at school.
1883, " Pension Office.
1884, " " "
1885 " " "
1886–'87 " " "

16. By whom have you been employed, and at what place or places, and dates, during any part of the last three years indicated in the last question?—Ans. In the U. S. Pension Bureau.

17. Has any one of said persons, firms, or corporations, or any public officer, discharged or removed you during said three years?—Ans. No.

18. Have you a husband or wife living?—Ans. No.

19. Have you within the last or present year been convicted of any crime, or imprisoned under sentence for any crime?—Ans. No.

20. How many members of your family are in the classified public service?—Ans. None.

21. Are you "a person habitually using intoxicating beverages to excess?"—Ans. I am not.

22. Are you of good health, and without incapacity or infirmity, of which you are aware, that in any way disqualifies you for a full discharge of official duty in the service which you seek to enter?—Ans. I am.

23. Have you any defect of sight, hearing, speech, or limb?—Ans. No.

24. Have you any experience or attainments which, in your opinion, would be useful in the public service?—Ans. Shorthand.

VOUCHERS AND THEIR CERTIFICATES.

Directions. (1) Four persons, and no more, must vouch for the character of the applicant. All the vouchers should be well acquainted with the applicant. They must have known the applicant at least one year; and it is desirable that one of them should be a reputable physician.

(2) They should be citizens of good character and standing in the community where *they* reside.

(3) The civil service act contains this language: "Sec. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act."

(4) Each blank must be filled *accurately*.

Certificate of Voucher No. 1.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) That I am now a resident of Washington, D. C., in the District of Columbia; (3) That for the last three years I have resided at New York City and Washington; (4) That I have read *the whole* of the foregoing application, and believe each of the statements made therein to be true; (5) That I have known said applicant well since Oct. 23d, 1885; (A) That said applicant has not, to my knowledge or belief, any physical or mental weakness or infirmity, unless that mentioned in this application, which is a disqualification for the service sought; (B) That said applicant is to my knowledge a person of exemplary habits, of good moral character, and of good repute, and is in all respects fit for the service the applicant seeks; (C) I would not refuse to employ the applicant in private business for any lack of either of the qualifications aforesaid, and I will on request give further information concerning the applicant, and am willing this certificate should be made public when necessary.

(Signed) JAMES K. WARD,
Lawyer, 1017 15 st. NW., Washington, D. C.

Certificate of Voucher No. 2.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) That I am now a resident of Washington, D. C.; (3) That for the last three years I have resided at 811 H st. NE., Washington, D. C.; (4) That *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) That I have known said applicant well since July 2d, 1883; (6) That I adopt and wish to be considered as repeating for myself the statements lettered A, B, and C of the foregoing certificate of voucher No. 1.

(Signed) G. A. LYON,
Clerk Pension Office, 811 H st. NE., Washington, D. C.

Certificate of Voucher No. 3.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) That I am now a resident of Washington, D. C.; (3) That for the last three years I have resided at ———; (4) That *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) That I have known said applicant well since 1872; (6) I adopt and wish to be considered as repeating for myself the statements lettered A, B, and C of the foregoing certificate of voucher No. 1.

(Signed) ELMON A. ADAMS,
Physician, 422 8th st., SE., Washington, D. C.

Certificate of Voucher No. 4—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) That I am now a resident of Washington, D. C.; (3) That for the last three years I have resided at 2020 P st., NW., Washington, D. C.; (4) That *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) That I have known said applicant well since July, 1883; (6) I adopt and wish to be considered as repeating for myself the statements lettered A, B, and C of the foregoing certificate of voucher No. 1.

(Signed) CHARLES L. WHELPLEY,
Clerk, 2020 P st., NW. Washington, D. C.

[This oath must be taken before a justice, notary, or other officer competent to administer it.]

COUNTY OF ———,
State or Territory of ———, *ss:*

And on this day said applicant, to me personally known, having been duly sworn (or affirmed) before me, stated that said applicant had read the printed as well as the written parts of the foregoing application, and that to the best of applicant's knowl-

e, information, and belief, the several statements therein contained are true; and ther declared to me that said applicant had good reason to believe, and does be- e and represent, (1) that the occupation, residence, address, and other statements ach of the vouchers as given in the foregoing certificates are severally correct; that each of said vouchers is a person of good character and reputation; (3) that several signatures hereto, purporting to be those of said vouchers and of the ap- ant, are genuine; and (4) that deponent, who has signed this application, is the son intended to be examined by virtue thereof.

HARRY E. LINEAWEAVER.

worn to and subscribed before me by said applicant this sixth day of April, 1887.
Signed)
SEAL.] EDWARD F. O'BRIEN,
Notary Public, D. C.

hereby certify that the within is a true copy of an application on file with the ited States Civil Service Commission.

CHAS. LYMAN,
President of the Commission.

PRIL 18, 1892.

SUPPLEMENTARY EXAMINATIONS.

ersons taking either the general or limited examination may, if their applications w the requisite knowledge, take a supplementary examination in one or more of following subjects (for filling the *small number* of places where a knowledge of se is essential), viz: *French, German, Spanish, Italian,* and *Scandinavian languages*, , *medical science, drafting* (topographic, mechanical, architectural, and copying), *ography, type-writing, telegraphy,* and *proof-reading;* or for *assistant librarians.* e supplementary examination may be taken the same day with the departmental ime permits, but it will not be marked unless the applicant passes the other ex- ination at a general average of 65 or over. The grade of 65 must be obtained to ke the applicant eligible in the supplementary subject.
f you desire an examination in either of the supplementary subjects, state which, l the full extent of *knowledge* and *practice* claimed.
desire to be examined in stenography and type-writing; have been writing short- nd for the last year in the Pension Bureau.

SPECIAL EXAMINATIONS.

These examinations are held for the following parts of the service: The *State De- rtment;* the *Patent Office* for assistant examiners; the *Pension Office* for examiners, dical examiners, and principal examiners; civilian employés in the *Signal Office;* *Geological Survey,* and for *bookkeepers* in all Departments. See Regulations 42–49, l clause 5 of Rule 7.
The special examinations are held separately, and special application *blanks* are plied to applicants.
General average, ———
Departmental service, application No. 10422, ——— examination.

[Applicant will write plainly his full name and post-office address in the blanks below.]

Signed, Harry E. Lineaweaver, 405 A st. SE., Washington, D. C.

[Applicant will not fill following blanks.]

Legal residence, Pennsylvania. Date of reception, April 7, 1887. Date of approval, ril 7, 1887. Signed, W. J. Vickery. Date of notification sent, April 6, '87. Place l time of examination notified, Ap'l 9, '87, Washington, D. C. Age, 18. Educa- n, C. S.
Supplementary subjects: Stenography, type-writing. Remarks: Filed to correct tement of residence. Affidavit inside.

[Form No. 1. January, 1886.]

Application paper for the Departmental service, United States Civil Service Commission.

1. The *Classified Service* for which examinations are required is divided into three distinct branches: (1) The *Departmental Service* at Washington: (2) The *Customs Service;* and (3) The *Postal Service.* This application can be used for the Departmental Service only.
2. No person can be an applicant for more than one of these branches at the same time, and if already on a register for one branch, he can not be examined for either of the others. The number of females appointed during the past year was less than one-seventh the number of males.
3. *Every blank* in the paragraphs number from 1 to 24 inclusive must be properly filled, and every principal question included therein must be clearly answered in the handwriting of the applicant; and, if the answers to such questions call for it, every subordinate question in the paragraphs lettered *a*, *b*, *c*, etc., must in like manner be answered, or this application will be returned for correction.
4. Applications which disclose a lack of the qualifications as to age, health, citizenship, etc., required by the rules, will be rejected.
5. This application must be signed, sworn to, and sent to the U. S. Civil Service Commission, Washington, D. C.
6. As this application is appropriate for the general and limited examinations only (to which the supplementary subjects may be added), those wishing to take the special examinations should apply to the Commission for the proper blank.

APPLICATION.

I make and swear to this *Application* with the purpose of taking the first examination open to me, and of entering without delay upon the duties of any place in the Departmental service to which I may be appointed, and I promise to promptly inform the United States Civil Service Commission of any change in such purpose.

1. Are you a citizen of the United States?—Ans. Yes.
2. Which examination—the general or the limited—will you take?—Ans. I will take the limited.
3. What is your full name?—Ans. H. E. Lineaweaver.
4. What is your post-office address?—Ans. 405 A st. SE., Washington, D. C.
5. What is your actual bona fide [legal] residence at this time?—Ans. It is in Washington, in the Dist. of Col.
6. How long have you been a resident of the last-named District?—Ans. I have been a resident therein during the period of eighteen years.
7. Where, to the best of your information and belief, were you born?—Ans. I was born at Washington, in Dist. of Columbia, on the 3 day of August, 1868, and I am therefore eighteen years of age.
8. Where was your education chiefly received?—Ans. It was chiefly received in the public schools of Washington, D. C.
9. What is your present business?—Ans. Messenger boy, U. S. Pension Office.
10. Have you an application on file for the civil service of the United States?—Ans. No.
11. Were you ever in the civil service of the United States?—Ans. No.
12. Were you ever examined for the civil service of the United States?—Ans. No.
13. Are you now in the military or naval service of the United States?—Ans. No.
14. Were you ever in the military or naval service of the United States?—Ans. No.
15. What has been your principal business (or, if you have had none), what has been your employment or position and your place of abode during each of the five years named in the next blanks?

1881, Washington, D. C.; at school.
1882, " " "
1883, " " ; messenger boy, Pen. Office.
1884, " " " "
1885–'86 " " " "

16. By whom have you been employed and at what place or places and dates, during any part of the last three years indicated in the last question?—Ans. U. S. Gov't in the Pension Office from July 2, 1883, as messenger boy. From October 23, 1885, to date I have been performing the duties of a stenographer.
17. Has any one of said persons, firms, or corporations, or any public officer discharged or removed you during said three years?—Ans. No.
18. Have you a husband or wife living?—Ans. No.
19. Have you within the last or present year been convicted of any crime, or imprisoned under sentence for any crime?—Ans. No.
20. How many members of your family are in the classified public service?—Ans. None.
21. Are you "a person habitually using intoxicating beverages to excess?"—Ans. No.
22. Are you of good health, and without incapacity or infirmity, of which you are aware, that in any way disqualifies you for a full discharge of official duty in the service which you seek to enter?—Ans. I am in good health.

23. Have you any defect of sight, hearing, speech, or limb?—Ans. No.
24. Have you any experience or attainments which, in your opinion, would be useful in the public service?—Ans. Shorthand and typewriting.

VOUCHERS AND THEIR CERTIFICATES.

Directions. (1) Four persons, and no more, must vouch for the character of the applicant. All the vouchers should be well acquainted with the applicant. They must have known the applicant at least one year; and it is desirable that one of them should be a reputable physician.
(2) They should be citizens of good character and standing in the community where *they* reside.
(3) The civil service act contains this language: "Sec. 10. That no recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act."
(4) Each blank must be filled as *accurately* as practicable.

Certificate of Voucher No. 1.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age: (2) That I am now a resident of Washington, D. C.; (3) That for the last three years I have resided at 422 8th st., SE., Washington, D. C.; (4) That I have read *the whole* of the foregoing application, and believe each of the statements made therein to be true; (5) That I have known said applicant well since infancy; (6) That said applicant has not, to my knowledge or belief, any physical or mental weakness or infirmity, unless that mentioned in this application, which is a disqualification for the service sought; (7) That said applicant is to my knowledge a person of exemplary habits, of good moral character and capacity, of good repute, and is in all respects fit for the service the applicant seeks; (8) I would not refuse to employ the applicant in private business for any lack of either of the qualifications aforesaid, and I will on request give further information concerning the applicant, and am willing this certificate should be made public when necessary.
(Signed)

E. A. ADAMS,
Physician, 422 8th, st. SE., Washington, D. C.

Certificate of Voucher No. 2.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) that I am now a resident of Washington, D. C.; (3) that for the last three years I have resided at (give all the places) Washington, D. C.; (4) that *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) that I have known said applicant well since July, 1883; (6) I adopt and wish to be considered as repeating for myself the statements numbered 6, 7, and 8 of the foregoing certificate of Voucher No. 1.
(Signed)

G. A. LYON,
Asst. Chief Law Div., U. S. Pension Bureau, 811 H st. NE., Washington, D. C.

Certificate of Voucher No. 3.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) that I am now a resident of Washington, D. C.; (3) that for the last three years I have resided at Brooklyn, Jersey City, and Washington; (4) that *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) that I have known said applicant well since September, '85; (6) I adopt and wish to be considered as repeating for myself the statements numbered 6, 7, and 8 of the foregoing certificate of Voucher No. 1.
(Signed)

JAMES K. WARD,
Lawyer, No. 1017 15th st. NW.

Certificate of Voucher No. 4.—I state *upon my honor* as follows:

(1) That I am more than twenty-five years of age; (2) that I am now a resident of Washington, D. C.; (3) that for the last three years I have resided at Washington, D. C.; (4) that *I have read the whole of the foregoing application*, and believe each of the statements made therein to be true; (5) that I have known said applicant well since 1876; (6) I adopt and wish to be considered as repeating for myself the statements numbered 6, 7, and 8 of the foregoing certificate of Voucher No. 1.
(Signed)

JOHN CHESTER,
Pastor of Metropolitan Presbyt. Ch., 512 East Capitol st.

[This oath must be taken before a justice, notary, or other officer competent to administer it.]

DISTRICT OF COLUMBIA,
County of Washington, ss:

And on this day, said applicant, to me personally known, having been duly sworn (or affirmed) before me, stated that said applicant had read the printed as well as the written parts of the foregoing application, and that to the best of applicant's knowledge, information, and belief, the several statements therein contained are true; and further declared to me that said applicant had good reason to believe, and does believe and represent (1) that the occupation, residence, address, and other statements of each of the vouchers as given in the foregoing certificates are severally correct; (2) that each of said vouchers is a person of good character and reputation; (3) that the several signatures hereto, purporting to be those of said vouchers and of the applicant, are genuine; and (4) that deponent, who has signed this application is the person intended to be examined by virtue thereof.

(Signed) H. E. LINEAWEAVER.

Sworn to and subscribed before me by said applicant this 1st day of Nov., 1886.
(Signed)
[SEAL.] J. B. WATERMAN,
Notary Public.

I hereby certify that the within is a true copy of an application on file with the U. S. Civil Service Commission.

CHAS. LYMAN,
President.

APRIL 18, 1892.

SUPPLEMENTARY EXAMINATIONS.

Persons taking either the general or limited examination may, if their applications show the requisite knowledge, take a supplementary examination in one or more of the following subjects (for filling the *small number* of places where the knowledge of these is essential), viz: *French, German, Spanish, Italian,* and *Scandinavian languages, law, medical science, drafting* (topographic, mechanical, architectural, and copying), *stenography, typewriting, telegraphy, bookkeeping,* and *proof reading,* or for *assistant librarians.* The supplementary examination may be taken the same day with the departmental if time permits, but it will not be marked unless the applicant passes the other examination at a general average of 65 or over. The grade of 65 must be obtained to make the applicant eligible in the supplementary subject.

If you desire an examination in either of the supplementary subjects, state which, and the full extent of *knowledge* and *practice* claimed.

Stenography and typewriting.

SPECIAL EXAMINATIONS.

These examinations are held for the following parts of the service: the *State Department;* the *Patent Office,* viz, assistant examiners and examiners' clerks; the *Pension Office,* for examiners, medical examiners, and principal examiners; civilian employés in the *Signal Office* and the *Geological Survey.* See Regulations 42–49, and clause 5 of Rule 7.

Circulars of information respecting these examinations will be sent upon request.

The special examinations are held separately, and special application blanks are supplied to applicants, &c., &c.

General average———.
Departmental service. Application No. 10422———. Examination.

[Applicant will write plainly his full name and post-office address in the blanks below.]

(Signed) H. E. Lineaweaver, 405 "A" St. SE., Washington, D. C.

[Applicant will not fill following blanks.]

Legal residence, District Columbia. Date of reception, Nov. 1, 1886. Date of approval, Nov. 1, 1886. (Signed) W. J. Vickery, age 18; education, C. S.
Supplementary subjects: Stenography; typewriting.

[Form No. 36. Departmental service.]

Affidavit correcting statement of legal residence.

DISTRICT OF COLUMBIA, *ss:*

I, Harry E. Lineaweaver, being duly sworn or affirmed, do depose and say as follows:

1. That when I swore in my application for examination for the civil service that my [legal] residence was in the District of Columbia, I was laboring under a mistake, of which I have since become aware.

2. That correcting said mistake, I now say my actual bona fide residence then was and that it now is in the town of Shrewsbury, in the State of Pennsylvania, and that I have been a resident of such State during the period of all my life, that being the legal domicile of my father and mother, and I being a minor.

I wish to have my name transferred to the register of the last-named State.

(Signed) HARRY E. LINEAWEAVER.

WASHINGTON, D. C., *ss:*

And on this 6th day of April, 1887, said Harry E. Lineaweaver, appeared before me and having been duly sworn or affirmed, declared that the foregoing statements are true.

(Signed) EDWARD F. O'BRIEN,
[SEAL IMPRESSED.] *Notary Public, D. C.*

I hereby certify that the within is a true copy of a paper on file with the United States Civil Service Commission.

CHAS. LYMAN,
President.

APRIL 18, 1892.

Whereupon the committee takes a recess until 1 o'clock, p. m.

AFTER RECESS.

TESTIMONY OF JOHN T. DOYLE.

JOHN T. DOYLE, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. My age is 32; my legal residence is New York, and my occupation is secretary of the United States Civil Service Commission.

Q. At the time that Mr. Lineaweaver made his application for civil-service examination, were you secretary of the Commission at that time?—A. I was.

Q. Do you know whether or not the quota of the District of Columbia was filled at that time?—A. It was in excess at that time. That is, the District of Columbia had received a larger assignment than it was entitled to under the apportionment under the civil-service law.

Q. Do you know anything of any other occasions of false impersonation before the Civil Service Commission except the case of Smith which was developed?—A. There are very few cases discovered altogether. Taking the entire service embraced on the rolls, perhaps there is one half dozen cases out of 100,000 persons examined.

Q. Have there been any other persons examined, except those in connection with the Pension Office?—A. No, sir.

Q. What is the rule in regard to the restoration of men who have been discharged from the service of the Government known as amended rule No. 10? I want to know what that is and how it is construed. I want to call your attention to it.—A. Departmental rule No. 10 governing the reinstatement of persons in the service will be found on page 31 of the eighth report of the Commission.

Q. What length is it?—A. Eight or ten lines.

Q. Read it.

Upon requisition of the head of a Department the Commission shall certify for reinstatement in such Department, in a grade requiring no higher examination than the one in which he was formerly employed, any person who within one year next preceding the date of the requisition has through no delinquency or misconduct been separated from the classified service of that Department; provided that certification may be made subject to the other conditions of this rule for reinstatement on any person who served in the military or naval service of the United States in the late war of the rebellion and was honorably discharged therefrom, without regard to the length of time he has been separated from the service.

Q. Do you know when the amended condition was attached to No. 10 or amendment made to it?—A. I couldn't state it from memory.

Q. Do you know who made the amendment to the rule? Was it not done by President Harrison?—A. Yes, sir; in his administration.

Q. That amendment extended the time for the benefit of soldiers who had been discharged?—A. Yes, sir.

Q. Requiring that if a longer time than a year had elapsed for them to be restored?—A. Yes, sir.

Q. What construction did the civil service place upon it. Did they regard it as a departmental or executive order that should govern in this matter?—A. The amendment providing for the extension beyond one year for this privileged class applied to the entire classified service, this amendment to the civil service rule applying to the departmental, the postal, the customs, or the mail services equally.

Q. Do you know whether the Civil Service Commission regarded that as an order that must be respected by the Departments in regard to the restoration of those discharged from the service?—A. Yes, sir; equally binding upon the Departments as upon the Commission.

Q. Do you know whether or not it has been observed by heads of Departments and bureaus?—A. Completely, so far as the information of the Bureau is concerned.

Q. Have many persons been restored to the classified service under that amended rule?—A. Yes, sir, a considerable number; but what number I am not prepared to state with any definiteness.

Q. Have you any recollection now of any case that has been brought to the attention of the Civil Service Commission where the head of a Department or the head of a Bureau has refused to regard that order?—A. No, sir; that is for the reinstatement of a person without proper certificate of the Commission.

Q. Refusing to reinstate where it appeared that the person severed his connection without any fault on their own part and no reason being assigned by the service?—A. That construction is not placed upon the rule by the Commission. The Commission regard the rule simply as conveying a permission on the part of the head to reinstate. It is not the right on the part of a person out of office, merely a privilege that the head of a Department may reinstate at his discretion.

Q. The Commission then has not regarded it as binding upon the head of a Department?—A. No, sir.

Q. Or compulsory?—A. It is simply and merely a privilege with the head of a department to reinstate a person coming within the terms of the rule.

The CHAIRMAN. Commandatory?

A. No, sir. It is at the discretion of the head of the Department whether he regarded the person a fit person to be reinstated or having a vacancy or desiring it.

Mr. ENLOE. Do I understand by that that the civil service takes the

view, if a man makes a showing that without any fault on his part his connection with the service of the Government has ceased and he asks for a reinstatement, that the Commission don't regard the head of a Department as bound by that rule to restore the applicant?—A. No, sir; not in the least. In making the reinstatement the power rests wholly with the head of the Department and the Commission takes no action unless the head of the Department requests that proper certificate be issued.

TESTIMONY OF J. B. BURKE.

J. B. BURKE, duly sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation. Are you holding any official position at this time?—A. Yes, sir.

Q. State what it is.—A. Warden of the United States jail.

Q. Are you a member of the Grand Army or belong to any post at this place?—A. I am a member of the George G. Meade Post, No. 5, of this department.

Q. Is it any part of your duty in connection with that post to undertake to assist persons who have been employed in the military of the United States or their families?—A. Well, sir, not as a committee-man. I do it as a member of the post and in keeping with my duties under my obligations as a Grand Army man, having been commander of the post as well as department commander.

Q. During that time have you frequently looked after the claims of persons who have been discharged from the Government offices to see for what cause they were removed?—A. To say that I have done so frequently would hardly cover the question. I might say that perhaps two years, almost two years, of my time have been taken up in that kind of business; largely so when I was department commander in 1886 and 1887.

Q. I will ask you if your attention was called, or has been called, to Mr. McGinnis, who was discharged from the Pension Office?—A. Yes, sir. That was brought to my attention.

Q. State what occurred in regard to that—what you did.—A. There was a comrade came to me with Mr. McGinnis, and introduced him as an ex-Union soldier, and said he had been in the Pension Office, and that he had been discharged, and that Comrade McGinnis would state his own case. He then stated to me, in answer to a question I put, that he had been discharged, as he understood it, for being a Democrat; that he knew nothing against his record for which he ought to be dismissed, and he thought his record would show that he had been a very efficient clerk, and that acknowledgments of that kind had been made to him. I then told him that if there was nothing against him but being a Democrat, that I thought I could get him back under rule 10, amended, and promised him I would go the next day to see the Commissioner of Pensions; and I did so.

Q. Who was the Commissioner?—A. Gen. Raum.

Q. State what occurred.—A. I stated to the Commissioner the purpose of my visit, and he hesitated a moment, and said he couldn't call his case to mind. Mr. Lineaweaver (I think he is his stenographer) was sitting there at his desk, and spoke up and said that was the man who had been dismissed for being a Democrat. Gen. Raum then remarked, "Oh, yes; I remember the case now," or something about it. I

said, "General, I am here to ask for his reinstatement under Rule 10, if there is nothing against him that would not justify the enforcement of that rule." He said he had no vacancy, and that he did not propose to put him back, and in effect that this was a Republican administration, and that he would assign or employ a Republican every time in preference to a Democrat.

Q. Did you ask him whether or not there were any charges against Mr. McGinnis?—A. I asked him, and he said he would answer that as soon as he could get the papers. He sent for the papers, and they were produced, and there were two single sheets—one his assignment and one his dismissal.

Q. Did he state that those were all there were?—A. I said, "Then there were no charges against him," and he said, "No." Then I insisted upon his reinstatement under rule 10, and the Commissioner didn't seem to understand that as being worth anything to Mr. McGinnis or myself. I then insisted upon it that it was an executive order and that it ought to be respected; that it was just as binding as any other civil-service rule that was governing them; and he said he thought not. I said, "It is a good thing that I am not the department commander;" that is, that I was not the representative head at that time, or that I would secure his reinstatement, and I didn't know but what I would do it anyway. With that in my mind, I went to Mr. Roosevelt, one of the Civil Service Commission, for the purpose of ascertaining if there was not some law to be enforced in this case to have that man reinstated. He said there was no law, but he would like to know the facts, and would help us all he could.

Q. That was Mr. Roosevelt, of the Civil Service Commission?—A. Yes, sir. He then wanted to know if I would make this statement on oath, and I said, "Yes." He answered, how long since I had had the conversation with Commissioner Raum, and I said, "Less than an hour." He said, "Then this is fresh in your mind?" And I said, "Yes, sir." He said, "Then you can state it just as it occurred?" I said, "Yes, sir," and I made the statement, and it was taken down by a shorthand-writer, and written out on a typewriter. I read it over and corrected one word, and with that correction I signed it and swore to it. He afterwards told me he had been to see the Commissioner, but the Commissioner refused to do anything, and he thought there was nothing that could be done. I asked him if the rule I had mentioned could not be enforced, and he agreed with me, and said it was a fact; that he looked upon it as an executive order, and it ought to be enforced, but the Commissioner did not look upon it in that way, and that he was the one who had the power to reinstate him or not. That is all that has been done in the case; but I have not given it up yet.

Q. Did Commissioner Roosevelt say he would prosecute the matter further and call the attention of the President to it?—A. He said he would call the attention of the President and ask that a rule may be made by which that rule might be enforced, and other similar rules, I suppose. In my experience in getting men restored to the service who had formally severed their connection with it, either voluntarily or otherwise, this was the first case where I had failed.

Q. Do you know whether or not the rule has been respected in relation to Republicans and Democrats alike, or has there been any discrimination in that?—A. I should say, so far as rule 10, amended, is concerned, I never to my knowledge failed to have a man reinstated, and while I never asked his politics I got the impression some way that they were all Republicans, and my recollection about the number who had failed

to get in—I don't know that I can call to mind any, except Mr. McGinnis, and I failed in his case, and I think it is the only case I ever did.

Q. Are you a Republican in politics?—A. I am a Democrat. I have no recollection of ever voting any other ticket. Perhaps I have voted for some individual on a ticket. I have done that frequently.

By Judge PAYSON:

Q. What is Mr. McGinnis's full name?—A. I can't tell his first name.

Q. What date was this?—A. His name is Archie McGinnis. I don't remember the exact date.

Mr. ENLOE. Do you know whether he had held any other position before he went into the Pension Office?—A. He was clerk or secretary of the Invalid Pension Committee, under Mr. Matson, and when he left that committee he went into the Pension Office as special examiner.

By Judge PAYSON:

Q. Appointed by Gen. Black?—A. Yes, sir. That is my impression but I have no record as to that.

Q. What was his position?—A. He was a special examiner.

Q. That didn't require to be under civil-service rules?—A. Yes, sir.

Q. You understand that he was appointed as a civil-service appointee?—A. Yes, sir; I remember now that that was one of the papers presented to me at that time, and the other was his dismissal.

By Mr. DUNGAN:

Q. I want to ask you how long after his dismissal was it that you had your interview about it with the Commissioner?—A. That I can not say now. I was told at the time, but I didn't fix that point in my mind. It was not important.

Q. Well, you needn't state exactly, but was it a long time after or was it a short time after?—A. Well, sir; I can't say as to that. I haven't anything on which I could base any time in regard to the matter. I couldn't say whether it was a month or six months.

Q. When you interested yourself in the matter of restoration and found there was no charges against him, except that he was a Democrat, did you learn whether or not his place had been filled by some other person?—A. I didn't ask that question. The question with me was whether there was a vacancy.

Q. You didn't learn whether the place he had occupied had been filled or not in the meantime?—A. No, sir.

Q. And you do not know?—A. No, sir.

Q. When you requested his reappointment were you informed then that the place had been filled?—A. No, sir; I simply had in my mind the enforcement of rule 10 amended.

Q. I understood you to say you succeeded in securing a considerable number of reinstatements of Republican appointees?—A. I didn't say they were Republicans. They were reinstated as Republicans. They were ex-Union soldiers and I naturally asked myself the question when I failed sometimes; I asked myself the question and concluded that since they had been dismissed under a former administration they must have been Republicans.

Q. Were you commander of one of our posts during the Cleveland administration?—A. I was commander in 1884 or 1885; senior vice commander of the department. Department commander in 1886 and 1887.

Q. That was during the Cleveland administration?—A. Yes, sir.

Q. Did you secure the reinstatement of dismissed men in the Pension

Bureau who were Republicans during the Cleveland administration?—A. Yes, sir. I don't know about the Pension Office. I can't call that to mind particularly, but quite a number among the Departments around in different places. Some men hadn't left town and some had, and I sent telegrams and brought them back from as far as Missouri and Kentucky.

Q. You were not acting as a Democrat, were you?—A. No, sir. The Democrats didn't know I was a Democrat.

Q. You were interested in having them all returned to office?—A. Yes, sir; and I was cursed by the Republicans for doing it. They said I went into the office and said: Mr. Secretary, you dismissed that man and he was a Union soldier; and I suffered here during this administration on that account.

Mr. BROSIUS. You performed your services without reference to politics?

A. Yes, sir. I had nothing to do with politics in this work whatever.

Judge PAYSON. I understood you to say that in all the cases you had presented which you regarded as meritorious, that McGinnis's is the only one you can remember where you failed?

A. Yes, sir. That is the only one where I can remember that I failed. There is another thing, gentlemen, and that is this: That it is unfortunate for me and for the comrades that I am called here to testify and give testimony, and I would not have had to do it if I had not been engaged in that kind of work. I got that information in that way and it is one of those things I could not keep to myself, and so you got that information from somebody who must have heard me say something about it, and some one will get the idea that because I am a Democrat that therefore I am giving this information on that account, and I have no feeling against anyone in that Bureau except one man and he is a Democrat. I would like to have this go in because I don't want the impression to go out among the officials that I am that kind of a fellow, because I am not.

Mr. ENLOE. I will say for the benefit of the witness that I got this information from a man who had overheard a conversation.

The committee here adjourned until Wednesday of next week, at 12 o'clock m.

WASHINGTON, D. C., *Wednesday, April 20, 1892.*

The committee met at 1 p. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Lind, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF WALTER F. MAYER.

WALTER F. MAYER, sworn and examined:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. Walter F. Mayer; 34 years; Chattanooga, Tenn.; post office inspector.

Q. How long have you been an inspector of the Post-Office Department?—A. Since last June.

Q. What position did you hold before that time in the Government, if any?—A. Special examiner in the Pension Bureau.

Q. Were you a pension-examiner during the time that George W. *Wayson* was acting as assistant chief of that division?—A. I was.

Q. Did you ever loan Mr. Wayson any money or indorse any paper for him?—A. I loaned him some money.

Q. How much did you loan him?—A. Twenty-five dollars.

Q. Has he paid it back to you?—A. He has.

Q. Did he give you an assignment in the field at the time you loaned him that money?—A. No, sir.

Q Were you subsequently assigned to the field?—A. No, sir.

Q. Did you loan it while you were in the field?—A. Yes, sir.

Q. Did you write a letter to Mr. Wayson, in response to one from the office, about your financial transactions with Mr. Wayson?—A. I wrote a statement and, I think, I swore to it. I don't think it was in the form of a letter, in regard to that transaction.

Q. I will ask you if, at the time you wrote that letter or filed the statement in regard to this matter, you remember whether or not you stated then that Mr. Wayson didn't owe you anything.—A. I stated he owed me nothing at the time I made that statement.

Q. He had settled with you before that time?—A. He had.

Q. Do you know of Mr. Wayson having borrowed any money from anybody else who was a special examiner in the field?—A. Well, no; I had no personal knowledge. I was informed of other moneys he had borrowed.

Q. Tell us what you were informed about it and who informed you.—A. Mr. Reppert, at the time I loaned him some money, said that he had loaned him some money also.

Q. Do you know of anybody else?—A. I know a clerk who loaned him some money, who was not a special examiner. I don't think he was carried on the rolls.

Q. Was he made a special examiner subsequently?—A. No, sir; not subsequently.

Q. Who was he?—A. M. C. Fosnes.

Q. What did he tell you?—A. He told me Wayson borrowed $150 from him.

Q. Did he tell you whether or not Wayson paid it back again?—A. He told me he had not.

Q. Did this occur when Fosnes was called in from the field and Wayson was assistant chief of the division?—A. It did.

Q. How long has it been since Mr. Fosnes told you Mr. Wayson had paid him back?—A. I got a letter from him about a week ago, in which he told me that. I came here to the city last March and found Fosnes here. He told me of the loan, and I saw him, off and on, until I left here in June, and we frequently conversed about this matter, and I made suggestions to him as to the best means of getting his money back, and in the course of our correspondence he has mentioned it since that time, and I received a letter from him a couple of weeks ago in which he told me he had not been paid.

The CHAIRMAN. What is his name? Spell it, please.

A. M. C. Fosnes—F-o-s-n-e-s.

By Mr. ENLOE:

Q. Do you know whether or not Mr. Fosnes was desirous of going back into the field as a special examiner?—A. No, sir. I feel pretty well satisfied that he had already been transferred, or was to be, to the Post-Office service when he made this loan.

Q. It was before he was transferred to the Post-Office service.—A. Yes, sir; he was still in the Pension Bureau. He is now in the Post-Office service.

Q. Do you know whether it was agreeable to Mr. Fosnes to be called in from the field when he was called in?—A. I could not give you any positive information.

Q. Wouldn't that operate as a reduction in his income; would he not receive less money in the office than in the field?—A. I could only give you my impression. I think Fosnes told me he had been drawing $1,600 per year and per diem, and I believe there was a general reduction then of all $1,600 men to $1,400, and they were offered the option of staying in the field at $1,400 or coming to the office at $1,600, and he decided to stay in at that amount. He preferred to stay in at that amount.

Q. He told you he came in as a matter of choice?—A. Yes, sir.

Mr. ENLOE. That is all, sir.

The CHAIRMAN. You can be excused, if you wish. I don't think Judge Payson wishes to cross-examine you on this matter Do you wish to leave town at once?

A. I would like to to-morrow morning.

The CHAIRMAN. All right, you may go.

TESTIMONY OF CAPT. FRED. MITCHELL.

Capt. FRED. MITCHELL, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. Frederic W. Mitchell, Hudson, N. Y.; special examiner in the Pension Bureau; 50 years of age.

Q. How long have you been in the Pension Office?—A. Since 1881.

Q. How long have you been in the special examination division?—A. Since 1881.

Q. All the time?—A. No, sir; I was in the adjudicating division about six months.

Q. Were you in the special examination division at the time Mr. Tanner was made Commissioner of Pensions?—A. I was, sir.

Q. Was Theodore Smith then chief of that division and George W. Wayson his assistant?—A. Not at first. Mr. Smith was appointed just after Tanner came in.

Q. Mr. Wayson was made his assistant chief, was he?—A. I think he was assistant chief before that. Any way at that time.

Q. Did you know Mr. Smith and Mr. Wayson well?—A. Yes, sir; Mr. Wayson, particularly well.

Q. Were you familiar at that time with the workings of the division? —A. Yes, sir; in a general way.

Q. Did you know anything about Mr. Wayson preparing a number of letters preferring charges against special examiners based upon information contained in the files—personal files?—A. In a general way, without having seen but very few of the letters and knowing but little about it at the time.

Q. You knew that such letters were prepared by Mr. Wayson?—A. Yes, sir; I think it was generally known.

Q. Were you consulted in regard to the preparation of those letters or asked to take any part in it?—A. Never, as long as I was acting as supervising examiner. I was, of course, spoken to sometimes, but not always.

Q. Do you remember whether or not you told either one or both of

these gentlemen that you regarded the proceeding as wrong and advised them not to do it?—A. Hardly as broad as that.

Q. State what you remember about it.—A. I think in one particular instance—I don't know who the party was—I was either asked to make a statement in regard to him, and I preferred not to do so, as I was generally opposed to any star-route investigation, *ex parte* investigation.

Q. Did you understand they were conducting a sort of star-chamber investigation against employés there?—A. I knew at the time a man had very little show whom they were investigating.

Q. Did they tell you what the object of this investigation was?—A. No, sir.

Q. Did you ever hear Mr. Smith tell Mr. Wayson that they wanted this information to be used against Democrats in the division?—A. No, sir.

Q. You saw several of these letters prepared by Mr. Wayson?—A. Some of them.

Q. Do you remember having any conversation with Mr. Peyton, who had been in the Pension Office and discharged, on this subject?—A. No more than possibly to tell him I was sorry the wheel of fortune had turned against him and he was discharged.

Q. Didn't you tell him at that time that you regarded this proceeding of Smith and Wayson was wrong—the star-chamber proceedings—and you had informed them you would have nothing to do with it?—A. I don't think I ever told him anything of that kind.

A. Do you remember of ever having told anybody else that?—A. A very little while ago I told a gentleman I had not at that time approved of that kind of an investigation.

Q. Whom did you tell that to?—A. To a former special examiner in the Bureau.

Q. Do you know whether or not Mr. Peyton had a good record in the office while there?—A. As a clerk?

Q. Yes, sir.—A. Yes, sir.

Q. Did you ever know him to take any active part in politics in any way?—A. Nothing, excepting that I formed my own conclusion that he took a very active part.

Q. In what particular?—A. In helping to compile or giving information in compiling a book called the Campaign Book of the Democrats.

Q. Do you know whether or not that contained any information in regard to the management of the Pension Office, except what had been divulged in the Dudley investigation?—A. No, sir; I don't know anything about that.

Q. Why did you think Mr. Peyton was furnishing that information?—A. From general hearsay.

Q. You knew nothing of it to your own knowledge?—A. Not at all.

Q. Do you know any one who did know anything of their own knowledge?—A. No, sir; it was the general report.

Q. Did it ever occur to you that that was information on the part of Theodore Smith or Wayson to get Peyton out of office?—A. No, sir; that was no part of it.

Q. Didn't that arise from Peyton being detailed to help in that investigation?—A. No, sir.

Q. You knew he did that?—A. I did; or, rather, I had forgotten it. I can't say now I knew it, but I do recall it now.

Q. It didn't recur to you at that time that that was the reason of these rumors?—A. No, sir; not in any way whatever.

Q. Did you ever know him to be absent from his desk or neglectful of his duties?—A. No, sir; he was an excellent clerk.

Q. Was he not in a position where he could not remain any length of time without somebody's attention being called to his absence? Didn't he have to pass upon the examiners' accounts every month?—A. He had efficient clerks with him.

Q. I will ask you whether or not any of these letters which you saw or any charges that had been preferred coming under your observation were made against Republicans.—A. I don't know; I think there might have been one or two instances.

Q. Do you know of any such instances?—A. No, sir; paid very little attention to it. I didn't approve of the course.

Q. As far as you knew of it do you recall or do you remember that they were Democrats or Republicans that these charges were preferred against?—A. I think you can safely say that the majority were Democrats?

Q. Is that a matter of deduction or knowledge on your part?—A. It is a matter of knowledge.

Q. I am asking you what you know. It is what you saw and what you recall.—A. It is a matter of knowledge on my part; yes, sir.

Q. How great was the proportion of Democrats; what was the majority?—A. I don't know how many were discharged.

Q. You don't recall a single instance of a Republican, do you?—A. No, sir; nor one of a Democrat by name. While I was supervising examiner two or three of my best men were discharged.

Q. Were they Democrats?—A. Yes, sir; but I don't know what was the reason of their discharge. I didn't inquire into that at all.

Q. Capt. Mitchell, I want to ask you one other question. Do you remember who was sitting on this star-chamber investigation, in regard to these cases, outside of Theodore Smith and Wayson?—A. No, sir.

Q. Do you remember whether or not Mr. Stover had anything to do with it?—A. No, sir; I don't remember.

Q. You mean you don't remember?—A. Yes, sir; I don't remember anything about that.

TESTIMONY OF JAMES DUGAN.

JAMES DUGAN, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. Go on and make your statement, Mr. Dugan. Commence at the beginning and state all you have to say. Have you been a clerk of Mr. Hallowell during this session of Congress?—A. No, sir.

Q. Have you ever represented yourself as his clerk or used his slips in calling up cases and getting information?—A. Mr. Hallowell represents my district in Pennsylvania and he——

By Mr. BROSIUS:

Q. You mean he represented your district in Congress?—A. Yes, sir; and as a mere matter of accommodation to him I have looked up some of his claims.

Q. Without compensation?—A. Yes, sir; without any compensation whatever. I never asked him for a cent and never got a cent from him.

The CHAIRMAN. Nor any one else?

A. No, sir; no one else. Never charged an attorney for any information that I got, nor the claimant in any case.

By Mr. LIND:

Q. When were you first employed in the Pension Office?—A. Up to the 26th of last January, a year ago.

Q. When were you first appointed?—A. Five or six years before that.

Q. On whose recommendation?—A. By Secretary Lamar.

Q. On his recommendation?—A. Yes, sir.

Q. You had no recommendation from members of Congress?—A. I had the indorsement of every member from my State—from Mississippi.

Q. What position did you occupy in the office?—A. Special examiner.

Q. And you continued, you say, until what date?—A. Until the 26th of January a year ago.

Q. Why were you discharged, if you know?—A. I was discharged for the reason that a scoundrel living on my right, from East Tennessee, said that I had said the Commissioner was simply a deputy for Lemon.

Q. Are you familiar with the files of the Pension Office with reference to your services?—A. Yes, sir.

Q. Were there any charges against you?—A. No, I think not.

Q. Do you know whether there were or not?—A. I know there were not.

Q. Nothing on file there?—A. I don't think there was.

Q. You don't contend there was any violation of law in your dismissal?—A. Gen. Raum was evidently convinced that I was dismissed wrongfully or he would not have applied for my reinstatement.

Q. Do you contend there was any violation of law in your dismissal?—A. O, of course I think so.

Q. What law?—A. The civil-service law.

Q. Were you in the classified service?—A. No, sir.

Q. Then why was it a violation of the civil-service law?—A. Because I was appointed a special examiner.

Q. Not under the civil-service law?—A. Not exactly, no. I was drawn into the office.

Q. That didn't give you a tenure forever, did it?—A. Of course not. I believe in that theory.

Mr. ENLOE. I will ask you if you were born in the State of Mississippi?

A. No, sir; in Kentucky.

Q. I will ask you if you are a member of the Grand Army of the Republic?—A. Yes, sir.

Q. You served in the Union Army, didn't you?—A. Yes, sir.

Q. What State did you volunteer from?—A. I belonged to the Fifth U. S. Infantry, regular Army.

Q. You were honorably discharged from the Army, were you?—A. Yes, sir.

Q. You are in good standing with the Grand Army of the District?—A. Yes, sir.

Q. Are you a Democrat or Republican?—A. I am a Democrat.

Mr. LIND. I want to ask you one more question.

You admit here that you have assisted your member of Congress, that is, a certain member of Congress, in getting information from the Pension Office?

A. Yes, sir.

Q. You have used his name, not for pay, but as a matter of courtesy to him?—A. Yes, sir.

Q. Then as a matter of fact you have done clerical work for him?—A. I wouldn't consider it as clerical work. He didn't know anything about the pension business and I did, and so I said to him, "Why, I will look after that matter," and he turned over all the letters, which amounted to in the neighborhood of between thirty and forty, and most of them were from our section in Pennsylvania.

Q. And you looked after that for him?—A. Yes, sir.

Mr. DUNGAN. Did he ever receive anything for work you did?

A. Never, not one dollar, to my knowledge. Not one cent, and I never charged him a picayune.

TESTIMONY OF W. T. FORD—Recalled.

W. T. FORD, recalled at his own request, makes the following statement:

By the CHAIRMAN:

Q. Mr. Ford, the committee, through Judge Payson, are informed you want to make a further statement; is that true?—A. Yes, sir.

The WITNESS. In answer to the statements made by Mrs. Wright I desire to submit the following statement:

In answer to the statement made by Mrs. Wright before the investigating committee, I have to say the private mail which is brought up each day from the mail division is distributed to the clerks by the messengers, sometimes by the chief and assistant chiefs, or by any one who may have time to do so. I frequently distribute the mail, and on one of these occasions I noticed there were five letters addressed to a young lady. I handed her one, distributed a few letters, and then gave her another, continuing in this way until she had received the five letters; this was done so as to draw the attention of her young friends to the number of letters she had received at once. As I handed her the last one a lady, whom I knew by sight but not by name (it being impossible to remember the names of all the new clerks in so short a time), said "Mr. Ford, aint you got a letter for me?" I replied, "No, I guess your fellow has gone back on you." She then informed me that she was a widow and had a child so high, indicating the height of the child. This was the first conversation I ever had with her, and it was overheard by probably six or eight persons.

Some time after this I had some business to transact on Ninth street, and my friend, Mr. Donohue, who was chief of the section in which Mrs. Wright was employed, volunteered to attend to it for me at 4 o'clock in the afternoon. I agreed to meet him on the corner of Eighth and E streets at 4:20 o'clock in the afternoon. I left the office a little late and found that I should have to hurry so as to be on time. I was turning down Eighth street when a lady, whom I knew by sight, coming down F from Ninth street, turned into Eighth street just as I did; I said "Heigho, are you going this way?" She said, "Yes." I said, "Well, then, we'll walk a lonesome road together." This was said playfully, and referred to the fact that the block has no private residences and is not much of a thoroughfare; it is occupied on the east by the Post-Office Department and on the west by a branch of said Department, a broker's office, a steam laundry, and the Le Droit building. The neighborhood is certainly respectable, and is in the heart of the city, as well as in the business center.

The time consumed in walking from Eighth and F streets to the north side of Eighth and E streets, where I met Mr. Donohue, was certainly not over two minutes. As we neared the corner I saw my friend standing waiting for me, and when we met I repeated my conversation with the lady in their presence, and she went off laughing about it. I do not know whether she went down Eighth street, where the stables are, or whether she turned back towards Ninth street. I went with my friend towards Seventh. The whole thing passed from my mind, as it was a harmless and trivial conversation. This was the second conversation I had with the lady, though I did not know her name.

Some time afterwards Maj. Barker, in the course of conversation, informed me that he found I was disliked by all the ladies. I expressed great surprise, and requested him to name anyone to whom I had been discourteous, as I had no knowledge of it. He named Mrs. Wright, and said she had made certain allegations concerning an invitation to walk down a lonesome road, which I disclaimed, and told him I did not know a Mrs. Wright, and asked him who she was. He laughed and said I knew very well, and he refused to tell me. I repeated Barker's conversation to Donohue, who

said he remembered all about it, and said that I had made the remark about a walk down a lonesome road in his presence in a joking way. I asked him where in the world it was. "The day I paid your note for you you came down Eighth from F to E street with Mrs. Wright; I was waiting for you." He described her personal appearance. It was the first time I knew her name was Mrs. Wright, and then the whole subject was brought to my mind.

In her testimony she stated that she was going home from the office. The office is on F street, between Fourth and Fifth streets, and she came down F from Ninth to Eighth street. She turned into Eighth just as I did. I was hurrying along to meet my friend. She says I was waiting on the corner of Eighth and F streets. I was not waiting; if I had had time to wait I should have waited on the corner of E and Eighth streets, the appointed place, and not on the corner of F and Eighth streets. She says I called her by name; I could not have done so, as I did not know her name; and I met my friend, Mr. Donohue, at the time agreed on, at 4:20 o'clock.

Subsequently, while I was acting chief of division, the chief clerk sent for a clerk to be temporarily detailed in his room. I sent Mrs. Wright down. In rebutting her charge of insolence to her before a number of people, I have to say that it has always been considered a compliment to be detailed in the chief clerk's room or anywhere around headquarters, as the best clerks are invariably selected.

I wish to call attention to the efforts made by Barker to get me out of the record division. I applied to the chief of another division for a place in his division; I stated that I did not wish to remain in the division with Barker; that Barker did not want me there. He told me that I had better remain where I was, that I could better vindicate myself by remaining until he (Barker) could show some reason why I should go. He also said, "There is something rotten in the state of Denmark, and it will soon burst." Barker never showed cause for removing me, and I remained, and, as he stated on the stand, he left; it is well known under what circumstances.

The animus of the case is this: These men wanted to get me out of the division, and hearing of this trivial conversation, put an evil construction upon it and then tried to make use of it.

I have been informed, as coming from Mrs. Wright, that she received a letter purporting to be signed by Mr. Landon, which she ascertained to have been written by Mr. Engle, and brought to her by his son. I do not know the purport of this letter, but she stated in effect that it was a request to her to state in writing what conversation had passed between her and myself at the time I refer to as having met her on the corner of Eighth and F streets. This letter, she stated, she refused to answer, as she recognized in it an effort on the part of these men to drag her into making a statement when she really had nothing to state. This statement about the letter was made by her to Mr. Wheeler, at present assistant chief of the record division, and told by him to me. He says she expressed great anxiety to keep off the witness stand, as she had nothing to state, but that Mr. Landon had been to see her, urging her to go before the committee.

In verification of this latter statement I have to ask the committee to call on Mr. Wheeler for his evidence in the case. I know nothing of it except what he has told me.

I wish to further state that to the best of my knowledge and belief I have never changed Mrs. Wright's work. While Maj. Barker was in the division I had no control over the matter, and since the appointment of Mr. Totten, the present chief of the division, I have had no occasion to change her work. I know of no hardship that she has undergone in regard to the work she has been engaged on; her work is similar to that of all other copyists in the division, and her work has not been changed.

I have not treated her discourteously, but after hearing from Barker that she had made a statement reflecting on my conduct, I have, as a prudential measure, avoided having any conversation with her. This was only to protect myself from any statement that she might see fit to make.

I also disclaim in the most emphatic manner that I ever had an evil thought, or offered in any way, by word or action, any insults to Mrs. Wright or to any other woman.

WM. T. FORD.

At the conclusion of the reading of the statement the chairman said: That is just the way you want it?—A. Yes, sir.

By Mr. ENLOE:

Q. Did you have this interview published in the New York World?—A. I had an interview. A gentleman called at my house, and after pledging himself on the honor of a gentleman that he would telegraph exactly what I said, and informing me where I could find him, and I

think he meant to tell the truth—I think he telegraphed it all right—and I have read this, sir, and the greater portion of it is untrue, especially about my gray eyes and my unkempt hair, etc. It is not objectionable at all, sir.

Q. You say you did not know Mrs. Wright that day you met her on the corner?—A. I am positively sure, sir; and I could not have called her name, and I will state in connection with that there are at least twelve ladies whose names I can not recall.

Q. How is it you remembered her when you handed her five letters at that time?—A. I beg your pardon, it was a lady by the name of Peck.

Q. It was another lady?—A. Yes, sir.

Q. You handed those letters and you remember the remark she made that she was a widow?—A. Yes, sir; she made that remark that she was a widow and had a child.

Q. Did you say for her to bring the child up and you would tie it to the leg of your table?—A. Yes, sir; I said I would tie it to the leg of my table if she would bring her chicken up.

Q. Have you a kindergarten there?—A. No, sir; I said that in fun. I have ascertained since that I have no leg to my table.

Q. When you met her there did you begin that conversation with her by saying: "Mrs. Wright, can I speak to you?"—A. No, sir; I began it by saying: "Hello, are you going this way?"

Q. Can you state the conversation that occurred between you?—A. Yes, sir; I suppose so. In walking two minutes there were other things said, but not very much.

Q. Did you say to Mrs. Wright, "I am a married man and you have been a married woman, and I want to be a friend to you. May I?"—A. No, sir.

Q. Did you say that more than once?—A. I never said it once.

Q. Not a single time?—A. No, sir.

Q. Was she going that way?—A. Yes, sir; she turned in just as I did. Coming towards Ninth street and I coming towards Seventh, she turned in just as I did.

Q. Where did she say she was going?—A. I did not ask her; I do not know where she lives.

Q. Did she say she was going home?—A. I do not know, sir; I do not know where she lives.

Q. Did she turn back when you met Donahue?—A. I do not know whether she went straight down or turned on to Ninth street, but Donahue and I turned on Seventh and walked to the corner of E and Seventh.

Q. Don't know what direction she went from there?—A. No, sir; could not remember. She did not go as we did. She either went straight home or turned in on Ninth; I do not remember. She says it was in November, 1890. I could not remember the date to save my life.

Q. Did you say in this interview with that reporter of the New York World, "Now, we come to this woman's charge, and you can see what a hell of a time a man has in dealing with a lot of women?"—A. I do not know; I am not exceedingly choice in my language and I may have said that.

Q. Did you use that expression?—A. I do not know, sir. The gentleman has not reported me literally, but he did better than I thought he would and I told him so at the time.

Q. Did you tell that reporter this: "About that time Maj. Barker *came to* me and said none of the ladies liked me. As Maj. Barker has

become notorious in the division as a man fond of talking to the ladies and having them about his desk, I suggested to him in reply that I thought it would be a d—n good thing for him if it should happen that the ladies didn't like him?"—A. I said that he said that to me, but not at that time.

Q. Did you say that Maj. Barker has become notorious in the division, etc.?—A. I did say that, sir, and if I have an opportunity I should say so now.

Q. What do you mean by that?—A. I mean he had become notorious by talking to ladies, and strutting up and down with his Prince Albert coat buttoned up, with a big bouquet on it, walking around with the ladies. He never spent a whole day in the Pension Office in his life.

Q. Is it considered wrong in the Pension Office for a gentleman to be gallant to the ladies?—A. It is sometimes considered silly.

Q. Did you tell this reporter you went to one lady who knew your wife and threw your arms around her?—A. No, sir; I will tell you what I did say, and a more refined and religious good woman never lived. I said it to him as an illustration of how when we were for months in the same division how you become familiar. I have said to him, as showing my disposition, that I had before now thrown my arms above a lady's head, saying, "If you had been that tall see what would have happened." But I said, "It is no use; my wife will never die and we can not get married." She was a refined lady. If she had been tall enough I would have hugged her. That is what I indicated by the motion of my arms. The lady is a grandmother, sir, and there is a gentleman in the room well acquainted with her husband.

Q. You didn't hear of Barker getting into trouble for buttoning up his Prince Albert, did you?—A. He got in a silly position and was criticised for his boyish ways for a man of his age.

Q. I suppose your little pleasantries with the ladies was in a fatherly kind of way?—A. I presume after speaking of my unkempt hair, etc., it would be proper to say so. It was always in the presence of others, sir, and appreciated, and no offense taken at it, and would have been done in the presence of my wife, and no offense taken at it.

Q. I suppose you have reached that period in your life?—A. I am pretty safe. I wish my friend Barker had got the same way; he is about my age, I believe.

Q. Did you and Mr. Donahue have any conversation of what transpired between you and this lady in that walk?—A. When I met him?

Q. Yes, sir.—A. Yes, sir; I repeated to him just what I said to her. I said: "I have just said to this lady, 'We will take a walk down a lonesome road.'"

Q. Didn't you tell her not to tell Donahue?—A. No, sir.

Q. Did you think this lady was anxious to tell her story on the stand?—A. No, sir; I do not think she wanted to tell it. If it would be proper I would express my views to the committee on that subject. I respect this committee and understand the dignity of it.

Q. You have got all your matters adjusted now with the ladies in the Department except this one?—A. I never have had any matters to adjust except this one, except my financial matters.

Q. Have you got those adjusted?—A. I have in such a way that they will be no trouble to me, sir.

Q. How many ladies have you borrowed money from?—A. I do not believe I will tell unless you force me, because I see no good to come from it.

Q. I think it is right and proper to tell that.—A. Mr. Enloe, may I diverge from that question or make a statement, Mr. Chairman?

By the CHAIRMAN. You can give it in your own way.

A. I think this, sir. Our private affairs and debts; we all have troubles of that kind; some get into debt for good and some for bad reasons, and some from gambling and other reasons; and our forefathers saw fit to abolish the punishment for debt. I do not mean by that a reference to members of Congress, sir, and I am not joking. A great many of us clerks would be imprisoned, sir, if our forefathers had not seen fit to abolish the punishment for debt.

Q. Is that the reason you do not tell it?—A. No, sir; I do not think it can come to any good. I have plead guilty to the crime already.

Q. Please tell us the names of the ladies you have borrowed from in the office?—A. I do not refuse to answer, but I would rather not.

Q. Just answer, then, and tell us who they were.—A. I will prefer to think it over, sir, before I tell it.

By the CHAIRMAN. The practice is bad for a superior to borrow money from an inferior whose conduct he has some control over and in whose good or ill fortune he might have something to say; and it is supposed putting these subordinates under obligations to their superior is an injury to the public service. It is not to get at who you owe, it is to see to what extent it is prevailing in the service.

A. Can I answer the question in this way?

By the CHAIRMAN. You may answer it as you see fit, if you will only answer the question.

A. I make this answer, that I have never borrowed one cent from any employé and held out as an inducement to him or her for the loaning to me that I would reward them in any way. I have never offered anything bordering or tinging with threat that if they did not do it that I would do them any harm, and a great deal of borrowing that I have done has been voluntary offerings from friends who have offered to do it.

By Mr. ENLOE. Didn't you state in this interview "You know how women do to get into the good graces of chiefs of their divisions?"

A. Yes, sir; I did and will explain that if you will allow me.

Q. I want to ask you now if the loaning of the money was not one of the means?—A. No, sir; I had no such offers.

Q. Tell us the names of the parties from whom you borrowed money?—A. You named quite a few yourself the other day. Mrs. Sloan and some others. I believe you have named about all, sir. I think you have certainly named all in my division, and I have had no trouble with anyone outside of it. I think that answers the question, sir.

Q. Do you know how many you borrowed from?—A. No, sir; I have been in that office a great many years, and have been in debt a great many years.

Q. How many are you in debt to now in your division? How many ladies?—A. I am in debt to one lady, and to one lady alone, I think. I can think of no other, and that debt is not due yet, and has been adjusted, so she is satisfied.

Q. Who is she?—A. Mrs. Newton; and that debt has been adjusted, and she is perfectly satisfied that she will get the rest.

Q. You will testify here now—in the testimony here to-day and what you have previously given—you have furnished this committee the names of all the ladies in your division you have borrowed money from?—A. As far as I remember, I have, sir.

Q. When you were assistant chief or chief?—A. So far as I can remember.

Q. Have you borrowed any money from Mr. Landon?—A. Just as I have from a good many other men.

Q. Do you owe him now?—A. Yes, sir.

Q. How much?—A. I think $30. I do not know for sure, but that is my impression. It is certainly not two hundred, as stated in the paper, and I intend to pay him, and I have offered to pay him a portion, which he refused in the presence of witnesses, because too small, and a second offer was made of a portion, which he refused.

Q. When did you talk to the Commissioner of Pensions about this?—A. I could not tell to save my life, sir. What is the date of that statement I made?

Q. The statement you made against Engle?—A. Yes, sir; that was the date of it.

Q. Did you call Mr. Raum's attention at that time to this trouble with this woman?—A. That whole subject came up in a casual way, and I made that statement. I do not know whether I swore to that statement or not. If I did it was before Mr. Lineaweaver. It was Mr. Lineaweaver who took it down. I do not know whether he is a notary public. I did not know it was to be used, but he took it down at the time.

Q. That statement was filed by the Commissioner sometime in the year 1891?—A. I have the poorest memory of dates of any man you ever saw.

By the CHAIRMAN. That will be last September?—A. I could not give the date.

By Mr. ENLOE:

Q. Sometime last year?—A. It has not been a year; I am quite sure of that.

Q. Sometime last fall, if you remember?—A. Mr. Enloe, I could not give you within a month of the time.

Q. You refer to the paper which is in evidence purporting or in the form of an affidavit; the statement which you furnished to the Commissioner?—A. Yes, sir.

Q. And that was the date you first talked to the Commissioner about your difficulties with Mrs. Wright?—A. No, sir; you mean about the statement I made in regard to Mr. Engle?

Q. I mean in regard to Mrs. Wright?—A. I talked to him when I heard she was coming before this committee.

Q. Not before that?—A. No, sir; I waited for him, as he said here one afternoon, and told him I understood she was coming here to make a statement.

The following affidavit was subsequently offered in evidence:

WASHINGTON, D. C., *May 2, 1892.*

I, James W. Donohoe, a clerk in the Pension Bureau, have read the statement made by William T. Ford in answer to the charges preferred by Mrs. Wright before the Pension Office investigating committee, and his statement is substantially correct.

Mr. Ford asked me on a certain occasion, the date of which I do not recall, to transact some business for him on 9th street after four o'clock in the afternoon, which I agreed to do. The understanding was that we should meet a few minutes after four o'clock at the corner of 8th and E streets. I reached the place of appointment before Mr. Ford, and he very soon came down 8th street, from F, in company with Mrs. Wright. The time was about 15 or 20 minutes after 4. Mr. Ford's statement sets forth the conversation substantially as he repeated it to her in my presence. It

was a pleasant talk and she went off laughing, crossing the street towards the south, while Ford and I went east towards 7th street, continuing down 7th to the corner of D, where we separated. I have to state positively that Mrs. Wright did not call me, as she stated to the committee, but on the contrary she seemed in the best of moods.

Sometime after this Ford told me that Barker had said something about a woman who said that he (Ford) wanted her to walk a lonesome road and asked me what in the world the man could mean. I happened to remember all about his coming down 8th street with Mrs. Wright that day and told him that I remembered all about it, calling the circumstances to his mind and told Ford her name was Mrs. Wright.

Of my own knowledge Mr. Ford never interfered with Mrs. Wright's work while she was in my section. She was detailed at the request of Mr. Landon, who had importuned me on several occasions to find nice work for her, and, after a lapse of time, Mr. Landon came to me and asked me if I had any objection to Mrs. Wright going with Miss Barnett, that she (Miss Barnett) had some very nice work to be done, and I told him that I had no objection and that it was only a pleasure for me to have the ladies benefited. I retained Mrs. Wright on my rolls, however, for some time after she was transferred to Miss Barnett's section, and while she was with Miss Barnett, who was also a chief of section in record division, I am positive that no one outside of her (Miss Barnett) ever gave her instructions in regard to the work she should do.

I want to add further that after Major Barker had spoken to Mr. Ford and Mr. Ford to me about the circumstances connected with this case, that Mrs. Wright and I had a conversation. I do not recollect positively whether she came to me or whether I mentioned the fact to her about her telling Mr. Landon about such a thing. I recollect her reply very well: She said that she could not have told Mr. Landon such a thing and I retorted by saying that I was positive that she must have said something to him, otherwise he would have known nothing about it; she said she could not have said such a thing.

JAMES W. DONOHOE.

Subscribed and sworn to before me this 2nd day of May, 1892.
[SEAL.] SARAH S. SAMPSON,
Notary Public.

TESTIMONY OF H. L. MADDOX.

H. L. MADDOX, sworn and examined.

By Mr. ENLOE:

Q. Are you one of the persons mentioned in the testimony of Mr. Hersey as having received compensation for calling up cases for pension attorneys?—A. Yes, sir.

Q. State what you have to say in reply to that charge?—A. I wish to state ——

Q. First, are you the clerk of any members?—A. Yes, sir; five members. I am the clerk for Mr. Cockran, Mr. Fellows, Mr. English, Mr. Burns, and Mr. Harter. I have examined claims in the Pension Office for all of these gentlemen for their constituents. About the first of the month I went to Mr. Harter and told him I could increase my income by examining claims for attorneys outside of his district and that I knew it was done and that in my opinion it was proper, as everyone was benefited by it and no one was injured, and he being a new member, and not being acquainted with any rules of the Pension Office, consented, simply upon my representation. I called up several cases, and the clerk who had charge of that matter objected to it for the reason he knew I had been working for this attorney. That is last spring.

Mr. LIND. Was that a Washington attorney?

A. No, sir; a man by the name of Bohrer, who resides in your district.

Q. Felix Bohrer?—A. Yes, sir; I have had a power of attorney from him to examine his claims about a year and a half ago. I got it about a year and a half ago. And in these claims the clerk refused to give me the cases and I complained to the Commissioner of Pensions, that is, to Mr. Lincoln, and he said, "Abstract the record of the War Department and report of the medical board and give him the papers." So I got the papers I was entitled to and examined them, and I——

Mr. DUNGAN. You would be entitled to that much of the papers on the power of attorney?

A. Yes, sir; over my own signature I could obtain those. I called up others and they refused to give them to me, and I ceased going down and calling up cases outside of the district. I ceased to do it and then Mr. Hersey came on the stand and it all came out as being highly improper. My object in coming before the committee is to state I never have called up any cases over Mr. Cockran's, Mr. Fellows's, Mr. Burns's, or Mr. English's signatures or received compensation therefor. Mr. Harter wrote to me at once when this matter came before the committee, and told me to refund any money I had obtained and which I have done in two instances in cases where I did not have an opportunity to examine. I admit that it appears to be improper when one looks into it, but I knew that many secretaries had examined cases there and thought I might as well do it.

By Mr. BROSIUS:

Q. Do you know of any other secretary who had examined cases, obtained the information over Congressional signatures, for which he received consideration of the claimant or attorney?—A. I knew Mr. Hersey did.

Q. Did you know any other?—A. I didn't know positively. I know they examined them, but as to receiving compensation I can't say, because I am not well enough acquainted with them to know.

By Mr. LIND:

Q. How long have you lived in the city?—A. About three years and a half.

Q. What is your business?—A. I am now a secretary.

Q. What has been your business during the time you have lived here?—A. I am now a recognized pension attorney, but I don't consider that my business, because I practically abandoned it; I mean I don't advertise or solicit claims; but what few claims I have had I have not sold or turned over, because it would not be to my advantage to do so.

Q. Mr. Bohrer, from my district, was your correspondent?—A. Yes, sir; I examined cases for him.

Q. Did he know you obtained your information in any but a proper manner?—A. No, sir; I think he knows it now, because I have written him and told him I would have to discontinue working for him.

Q. But at the time?—A. No, sir; not at the time, because he wanted the information.

Mr. DUNGAN. The witness says he didn't know it was improper himself at the time.

Mr. LIND. That may be true; but I will ask a few more questions in that connection.

Q. Did you advise Mr. Felix A. Bohrer as to the exact method you obtained this information?—A. No, sir; I had considerable work to do for him, and I had let it run behind until about the first of the month, when I went to Mr. Harter and asked his permission. Mr. Bohrer, I imagine, thought I got it over the power of attorney he gave to me. I have that power of attorney in my pocket, and can exhibit it if you want it.

Q. When did you commence to work for Mr. Harter as his secretary?—A. At the beginning of this present session.

Q. This Congress?—A. Yes, sir.

Q. What has been the character of work you have done for him as secretary?—A. I attend to his department work.

Q. Not pensions alone?—A. No, sir; all his work.

Q. His patent work and everything?—A. He has not had much patent work. I believe I wrote one letter. I supply him with a stenographer who attends to his private mail. I attend to all that work without any personal dictation from him.

Q. What does he pay you for that work?—A. Twenty dollars per month.

Q. You suggested to him that in order to help you out financially you wanted the privilege of using his name in getting information from the Pension Office?—A. I did. And I represented to him that it would be a source of income. I could increase my income by examing these claims.

Q. And he consented to that?—A. Yes, sir; on my representation, he having perfect confidence in me, as he stated. He thought what I told him was perfectly right.

Q. He thought it was right for you to use his name in examining cases there?—A. Yes, sir; outside of his district.

Q. For other attorneys?—A. Yes, sir; for anybody.

Q. And when your practice was disclosed here by the examination of Mr. Hersey he directed you to discontinue it?—A. Yes, sir, by a letter; and in addition to that I went to him and told him I would desist. In regard to my working for a small salary, I have a letter in which he says he will increase my pay. He has appointed a time to meet me when we will talk it over and increase my pay.

By Mr. LIND:

Q. He is willing to increase it?—A. Yes, sir.

Q. Because the additional revenue has been cut off?—A. No, sir; not for that reason at all.

Q. For what reason?—A. For the reason that the quantity of work I have to do, $20 is not enough pay for it.

Q. You never suggested any increase before this Hersey examination, did you?—A. No, sir; I did not until after that.

The committee adjourned until to-morrow morning at 10 o'clock.

WASHINGTON, D. C., *Thursday, April 21, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler) and Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF A. G. TONNER.

A. G. TONNER appeared before the committee and testified as follows:

Mr. Chairman, here are the papers which I have been requested to furnish.

Mr. ENLOE. I offer in evidence the following letter, dated March 6, 1890, addressed to the Hon. Commissioner of Pensions, signed by Theodore Smith.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, SPECIAL EXAMINATION DIVISION,
Washington, D. C., March 6, 1890.

SIR: Referring to J. B. Greenwell, of Florida, a clerk of class 2, employed in this division, I invite your attention to the fact that on page 7 of the Democratic *Campaign Book* for 1886, in which the management of the Pension Bureau by the

Republicans was severely criticised, appears a letter from John B. Peyton, formerly of this Bureau, stating that he had carefully canvassed the Bureau and found but twenty-eight Democrats in the same when Gen. Black became Commissioner of Pensions. I have had in my possession Mr. Peyton's original list of Democrats. In said list appears the name of J. B. Greenwell. In his report, referring to the agents' division, Mr. Peyton used the following language: "Agents' division: Not one Democrat; J. B. Greenwell, now of the S. E. D., but formerly of that division, will so testify."

In order to avoid the necessity of his testifying for or against the particular opinions of his associates in this Bureau in the future, I recommend that his services be dispensed with.

Very respectfully,

THEO. SMITH,
Acting Chief S. E. Division.

Hon. COMMISSIONER OF PENSIONS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 21, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, APPOINTMENT DIVISION,
Washington, D. C., March 6, 1890.

SIR: For the best interest of the service, I have the honor to recommend the dismissal of Joseph B. Greenwell, of Florida, a clerk of class 2 in this Bureau, to take effect the 15th instant.

Very respectfully,

GREEN B. RAUM,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 21, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

Also letter dated March 26, 1890, to the Hon. Cyrus Bussey, Assistant Secretary of the Interior, and signed by Green B. Raum, Commissioner, which is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, APPOINTMENT DIVISION,
Washington, D. C., March 26, 1890.

SIR: I have the honor to return herewith the statement of Mr. J. B. Greenwell, recently an employé of this Bureau, bearing your indorsement, with the information that the services of Mr. Greenwell were dispensed with for the reason that during the last administration he appeared perfectly willing to testify to the political affiliations of his associates in this Bureau, being fully aware of the fact at the time that such action on his part had a tendency to affect their status in the Bureau, if not, indeed, result in their connection with the service being severed.

In the list of Democrats furnished Gen. John C. Black by one John B. Peyton, formerly of this office, the name of Mr. Greenwell appears, and in his report referring to the agents' division Mr. Peyton used the following language: "Agents' division: Not one Democrat; J. B. Greenwell, now of the S. E. D., but formerly of that division, will so testify."

So far as Mr. Greenwell's Republicanism is concerned, I beg to invite your attention to the fact that Mr. John B. Peyton, whose affidavit is transmitted with Mr. Greenwell's statement, says, in a letter to the chief of the special examination division (which is on file in Mr. Greenwell's papers in this Bureau), that he (Greenwell) is a Democrat.

In view of these facts I am of the opinion that the dismissal of Mr. Greenwell was just and warranted by the facts in the case, and I do not think that he should be permitted to reënter the service.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CYRUS BUSSEY,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, April 21, 1892.

I certify that this is a correct copy of the original.

A. C. TONNER,
Chief of Appointment Division.

TESTIMONY OF JOSEPH B. GREENWELL.

JOSEPH B. GREENWELL, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. J. B. Greenwell; age 36; clerk on the board of pension appeals in the Interior Department.

Q. Have you been connected with the Pension Office heretofore?—A. Yes, sir.

Q. What position did you occupy then?—A. Stenographer to the board of supervising examiners in the special examination division.

Q. When did you sever your connection with the Pension Office?—A. I think it was the 15th day of March, 1890.

Q. What was the reason of your severing your connection with the office?—A. Well, I received a letter of removal, the charge being I was a Democrat, and I had offered to furnish——

Judge PAYSON. Is this letter in evidence?

Mr. ENLOE. Yes, sir; but I want to examine him in regard to that.

The WITNESS. And the further charge that I had offered to furnish evidence to the effect that Democrats were not receiving their proportionate share of promotion under Gen. Dudley's administration.

Q. As a matter of fact, did you offer to furnish any such information?—A. No, sir; I did not.

Q. Do you know who made the charge?—A. Mr. Theodore Smith.

Q. Did you have any conversation with Mr. Peyton in regard to the matter?—A. In regard to this information?

Q. Yes, sir; in regard to the information which it is alleged you furnished him.—A. No, sir; not to my knowledge; never.

Q. Did you make any offer to get any such information for him?—A. No, sir.

Q. Did you make any effort to get a hearing to defend yourself against the charge?—A. Yes, sir.

Q. What success did you have?—A. I was refused a hearing by Gen. Raum.

Q. Did you tell Gen. Raum that the charge which had been made by Smith was false?—A. Yes, sir; at least I didn't tell Gen. Raum. I told his son. I went to his son about it.

Judge PAYSON. You were asked if you told the Commissioner?

A. No, sir; I didn't tell the Commissioner; I told his son. I went to him in regard to the charge.

The CHAIRMAN. You mean Green B. Raum, jr.?

A. Yes, sir; and he said he didn't have the letter alleging these statements which were made, but that I could find it by going to the Interior Department, and that I could find out what the charges were; and then I asked him if he didn't remember what they were, and he said he did not.

By Mr. ENLOE:

Q. Did you endeavor to communicate with Gen. Raum in regard to it in anyway, except in your efforts to reach him through his son; was it your idea to get his son to intercede?—A. I went there to learn what the charges were.

Q. Did you ask for a hearing on those charges?—A. Mr. Goodrich, who was contesting a seat here in Congress, from Florida, the last Congress——

Q. Did you ask anybody in the Interior Department, or connected with the Pension Office, for an opportunity to refute the charges that had been filed against you?—A. I wrote a letter.

Q. To whom did you write it to?—A. To Gen. Noble.

Q. Did you have any conversation with Gen. Raum at all on the subject?—A. I don't think I did. I went into his room one day with Mr. Goodrich; I think, probably, on two occasions. I would not swear positively I had any conversation with Mr. Raum.

By the CHAIRMAN:

Q. Was there a conversation in your presence on the part of Mr. Goodrich?—A. There was; but it was a secret conversation.

Q. Did you hear it?—A. No, sir.

Q. Did Gen. Raum, either in writing or otherwise, say that your being a Democrat was sufficient reason for turning you out?

Judge PAYSON. The writing is the best evidence.

By Mr. ENLOE:

Q. I ask him if in writing or verbally he made any such statement to him?—A. He didn't write to me; no, sir.

Q. Did he write to anybody else? Did you see any letter he wrote to anybody else to that effect?—A. I don't remember, sir; I know I went up there one day with Mr. Goodrich, and Mr. Goodrich came out and said he would not——

Judge PAYSON. You need not tell what he said in the absence of Gen. Raum.

Mr. DUNGAN. You went with him, didn't you?

A. To Gen. Raum's office, and I was in the corridor waiting for him to come out, and he was in Mr. Raum's room, having a conversation.

By Mr. DUNGAN:

Q. About your matter?—A. Yes, sir.

Q. Did you have any further communication with the office about your removal or the cause which led to it?—A. No, sir.

Q. Why didn't you?

Judge PAYSON. I object to it. It is improper.

By Mr. ENLOE:

Q. Did you ever receive any answer to the letter you wrote to Secretary Noble?—A. I had a conversation with Gen. Noble.

Q. State what that was?—A. I told him I had been discharged for being a Democrat; that that had been charged against me, and also that I had promised to furnish this affidavit stating that Democrats had not received their proportionate share of promotion.

Q. On the charge that you had offered to furnish evidence in that way?—A. Yes, sir; and Gen. Noble said to me, "It is not a felony to be a Democrat," and he treated me very courteously, and with that impartial justice which characterizes him, and as if I were one of his immediate friends.

Q. Did he propose to do anything to set you right?—A. Yes, sir; he said he would look into the matter.

Q. Did you ever get any further information as to what he did about it?—A. I received my appointment—my reinstatement.

Q. You were reinstated, were you?—A. Yes, sir.

Q. Who reinstated you; did you get a letter from the Commissioner notifying you of your reinstatement?—A. No, sir.

Q. Who notified you?—A. I was notified from the appointment division of the Interior Department.

Q. Were you reinstated in the Pension Office?—A. Yes, sir.

Q. In the position which you had occupied before?—A. No, sir.

Q. Put into a different position?—A. Yes, sir.

Q. Then you got your reappointment directly from the Secretary?—A. Yes, sir.

By Judge PAYSON:

Q. Did you receive a reappointment paper?—A. Yes, sir.

Q. Have you that?—A. I have not it with me; it is home.

Q. How did you happen to get it; at whose solicitation did you get it?—A. Mr. Goodrich and Senator Teller.

Q. Some political influence, then, got you back?—A. I suppose so, sir.

Q. You have not been complaining of that fact, have you?—A. No, sir.

Q. What is your age?—A. Thirty-six.

Q. How long a time intervened from the time you went out before you were reinstated?—A. I got back the 25th of September.

The CHAIRMAN. When did you go out?

A. The 15th of March.

Mr. ENLOE. Look at that, and see if you recognize that as a copy or the original paper of reinstatement?

A. I never saw that paper before.

Judge PAYSON. He would not see that; that is from the Civil Service Commission.

By Mr. DUNGAN:

Q. Were you in the classified service?—A. Yes, sir.

Q. When you were removed?—A. Yes, sir.

Mr. ENLOE. Are you a Republican or Democrat?

A. Well, I don't claim to meddle in politics at all. I can answer that question by saying that I never voted but one ticket in my life, and that was the Republican ticket; and that was for a friend who got me my position, and I can say further that up to that time my sympathies were with the Democratic party.

Judge PAYSON. You are in sympathy with the Democratic party and yet voted the Republican ticket?

A. I say up to 1882.

Mr. ENLOE. I want to put this in evidence, it is marked "Department paper, papers in the case of J. B. Greenwell, formerly employed in the Pension Bureau," and the following indorsement on it, "September 19, 1890, reinstated, vice William Strahan, deceased;" also the Department of Interior, August 6, 1890, respectfully referred to the Assistant Secretary for investigation, signed John W. Noble, Secretary. (To Mr. Tonner.) Will you furnish a copy of this, Mr. Tonner?

A. Yes, sir; I will furnish it you to-morrow.

The following indorsements were here offered in evidence:

Papers in the case of J. B. Greenwell, formerly employed in the Pension Bureau. Sept. 11, '90. Request No. 924 to Civil Ser. Com'n for Greenwell's reinstatement as a clerk of class 2 in Pension Office, by verbal order of Asst. Sec'y. C. G. A. Sept. 19, '90. Duplicated the above request, as the C. S. Com'n claims not to have received the original. C. G. A. Reinstate, vice William Strachan, deceased. Department of the Interior, office of the Secretary, Washington, April 21, 1892. I certify that this is a correct copy of the original. A. O. Tonner, chief of appointment division.

Greenwell, Jos. B. Department of the Interior, August 6, 1890. Respectfully referred to the Assistant Secretary for investigation. John W. Noble, Secretary. To Gen. Green B. Raum, Commissioner of Pensions. After full consideration, I am directed by the Secretary to order the reinstatement of J. B. Greenwell, he having submitted evidence to show that he was an efficient clerk and a Republican. The charges made by Theodore Smith are believed to be not sustained. Cyrus Bussey, Asst. Sec'y. Aug. 7, '90. (See previous page.)

Q. You were dismissed on the charge of being a Democrat, were you not?—A. I suppose so, more particularly for the fact that I promised to furnish the affidavit, which was not true.

Q. You were restored as a Republican, were you not?—A. I didn't know it; it didn't say so in my reappointment.

Q. They didn't mention that in the reappointment?—A. No, sir.

By Judge PAYSON:

Q. How did you happen to get Senator Teller to indorse for you?—A. Senator Teller was a friend of a particular friend of mine.

Q. How did your friendship originate?—A. He was a particular friend of a friend of mine.

Q. Who was that friend?—A. I mean Col. Nettleton.

Q. Who is Nettleton?—A. He is a gentlemen who lives in Colorado.

Mr. LITTLE. In the public service?

A. No, sir.

By Judge PAYSON:

Q. Did you write him?—A. No, sir; I talked to him.

Q. Where?—A. On my way from Chicago to Washington.

Q. During that summer?—A. During the summer of 1890; yes, sir.

Q. You asked him to see Senator Teller to get you back?—A. I told him the circumstances under which I was discharged.

Q. Did you ask him to see Senator Teller to get you reinstated?—A. No, sir.

Q. He did that on his own account?—A. No, sir; I told him the circumstances, and he said, I may be able to help you.

Q. Did he tell you how?—A. He said he would see Senator Teller.

Q. Do you know whether he gave Senator Teller to understand you were a Republican?—A. No, sir; I never told him anything about being a Republican.

By Mr. ENLOE:

Q. How long have you been living in the District of Columbia?—A. I have lived here pretty much all my life. In Florida about a year and a half or two years, off and on. I was employed by the Florida Central Railroad Company.

Q. What State were you appointed from?—A. Florida.

Q. Were you born in the District of Columbia?—A. Yes, sir.

Q. Did you establish your legal residence in Florida while you were there?—A. Yes, sir.

Q. Did you vote there in any election?—A. Yes, sir; one.

Q. How long after you left Florida before you were appointed here, or was it while you were living in Florida?—A. I had occasion to come up here on a vacation and I then sought to get a position here.

By the CHAIRMAN:

Q. At that time was the list full from the District of Columbia when you got back?—A. I don't know, sir.

Q. Have you got a wife?—A. No, sir.

Q. You are a single man?—A. Yes, sir.

Q. You were down in Florida a year and a half?—A. Yes, sir.

Q. Did you go down there to get a residence so you could be appointed here?—A. No, sir; I was employed for C. D. Willard; employed by the Florida Central Railroad Company.

Q. You say you were born here?—A. Yes, sir.

Q. Never away permanently except that year and a half?—A. No, sir.

Q. You are now back here to stay for good?—A. Yes, sir; I suppose so.

Q. Do you claim your residence in Florida?—A. Yes, sir; my legal residence.

Q. Do you mean to say you went there to make Florida your home?—A. I didn't say whether I did or not.

Q. When did you make up your mind to make Florida your home?—A. When I first went there I registered.

Q. When did you make up your mind that Florida was going to be your home?—A. I don't know how I am going to answer that question. Of course when I went there I registered and had no intention of coming back here to Washington.

Q. When did you change your intention?—A. I changed that intention when Mr. Willard, for whom I was at work, when I went there, he promised to give me a certain salary, and he didn't keep his promise, and I wrote to him while he was in New York that unless he gave me what he stipulated he would I would not stay with him.

Q. Are any of your personal effects in Florida now?—A. No, sir.

Q. You brought them all back here?—A. Yes, sir.

Q. You came back here to make this your home when you came?—A. Yes, sir; as long as I staid.

Q. Is it your home now?—A. Yes, sir; it is my home. Of course I suppose I am entitled to vote in Florida; I could go to Florida and vote if I wanted to.

By Mr. LITTLE:

Q. Have you any purpose to return to Florida and live?—A. I don't know whether I have or not.

Q. Don't you know what your purpose is?—A. It depends upon circumstances.

Q. Under what circumstances? Give us your purpose.—A. I suppose I will stay here, under the circumstances.

Q. Do you propose to go back to Florida to live?—A. The circumstances may be such that I may go somewhere else to live.

Q. Have you any idea of going back to Florida?—A. No, sir; not at this time.

By Mr. BROSIUS:

Q. Have you any purpose to go anywhere else to live?—A. No, sir.

Q. When you went to Florida you went for the purpose of living there?—A. Yes, sir.

By Judge PAYSON:

Q. You know you are still kept on the rolls as a resident of Florida?—Yes, sir.

Q. Never sought to have that corrected?—A. No, sir.

TESTIMONY OF W. J. BROOKS—Recalled.

W. J. BROOKS, recalled.

By Mr. ENLOE:

Q. I want to ask you upon whose instructions you prepared that report in the case of A. M. Legg and Mr. Martin?—A. My recollection is by verbal instructions from the chief of the division.

Q. Is that report in your handwriting?—A. Yes, sir; the summary is in my handwriting, yes, sir.

Q. Is the deposition of Charles J. Fuller on page 16 of the report, in your handwriting?—A. Yes, sir.

Q. In that investigation you took the deposition of one William A. Martin. Please state where that deposition was taken—at what point?—A. It was taken in the private room of the chief of the division.

Q. What was Mr. Martin's occupation at that time?—A. If I remember right, he was a clerk in the Eastern division.

Q. Are you a typewriter.—A. No, sir.

Q. Is it your custom to take depositions on typewriters?—A. No, sir.

Q. Does the Pension Office forbid you from taking depositions—forbid special examiners from taking testimony on typewriters?—A. I have no knowledge of any such prohibition.

Q. Was that deposition taken down in shorthand?—A. Yes, sir.

Q. Who was the shorthand reporter; who reported it?—A. Leonard Bradley.

Q. Is that the original typewritten copy?—A. Yes, sir.

Q How did you take this deposition?—A. In the usual form, with the assistance of the typewriter.

Q. Why did you take this deposition in the way you did instead of taking it in the usual way on blanks furnished for that purpose by the office?—A. By instructions from the chief of the division.

Q. Was the chief of the division present when this was taken in the adjoining room? Who was present except the stenographer at the time it was taken?—A. Mr. Martin and myself.

Q. No other person?—A. No, sir.

Q. Did Mr. Martin sign that deposition?—A. Yes, sir.

Q. Signed it where?—A. What do you mean?

Q. Where was he when he signed it?—A. I am not sure whether he signed it in our division or whether I took it down to his division to let him look over it, and after he read it over he signed it; I would not be positive which division it was signed in. It was signed in one of the divisions.

Q. You signed this [indicating to witness on report]?—A. Yes, sir.

Q. The attestation?—A. Yes, sir; it is not a very good signature, but I signed it.

Q. Who was present when Mr, Martin signed it besides yourself?—A. Well, now, I can not answer that; the room was full of clerks.

Q. You don't know which room it was signed in?—A. I would not be positive; no, sir.

Q. How long was it after the deposition was taken before he signed it?—A. I think the next day, or as soon after the stenographer transcribed his notes as it was possible; it may have been the same day; I would not be positive about that.

Q. Why didn't you continue this investigation, Mr. Brooks, beyond the point to which you carried it?—A. My instructions were to go on with the investigation to the point which I did go and until I made my report.

Q. How is that?—A. My instructions were to find out who the clerk was who was receiving the mail from the post-office for A. M. Legg; I had no other instructions beyond that.

Q. Who did you submit this report to after you got it ready?—A. To the chief of the division.

Q. Chief of what division?—A. Special examination division.

Q. Who was chief at that time?—A. Mr. Smith.

Q. Mr. Theodore Smith?—A. Yes, sir.

Q. Did he call your attention to the evidence you had taken and make any suggestion about pursuing the investigation further?—A. I have no recollection that he did.

Q. You had no further orders to continue the investigation?—A. I don't remember of having received any further orders.

Q. Did you feel you had carried this investigation far enough from your knowledge of the business as a special examiner?—A. As far as I could.

Q. You thought you had made a proper investigation, did you?—A. I did.

Q. If Mr. Martin were violating the provisions of the law, do you think you carried it far enough to get necessary evidence for prosecution?—A. As I stated the other day when that same point was raised, I think I accepted what Mr. Martin stated as being true; that he had no intention of violating any law, or that he was deriving any pecuniary gain in doing what he did.

Q. It is not necessary to put that in again. You have already stated that once before. I want to know if you, as a special examiner, with your knowledge of your duties, having charge of the investigation of this character, if you think you performed your duty in this case?—A. I do.

Q. Don't you know the law division in the Pension Office in receiving your report complained about the weakness of it?—A. No, sir, I do not.

Q. Don't know anything about that?—A. No, sir, I do not.

Q. Do you know who wrote that (hands paper to witness and indicates on it)? That review of the report?—A. I didn't see it written.

Q. Do you know who wrote it?—A. No, sir, I do not.

Q. Is there anything on it to show who did write it?—A. I will have to look it over first. (Witness examines paper.) I can't say who wrote that. I see that it is addressed to Mr. Bailey, but there is nothing there that I can identify who wrote it. I never saw it before.

Q. Do you know who wrote that indorsement (indicating to witness)?—A. I don't know who wrote it, whether that is M. P. B. or M. B. B., but if it is M. B. B., they are the initials of Mr. Bailey, but I don't know whether that is M. P. B. or M. B. B.

Q. Did you ever see this review of your report before?—A. No, sir.

Mr. ENLOE. I want to offer that in evidence. I guess it has already been offered.

Judge PAYSON. It ought to be identified.

Mr. ENLOE. It is from the Pension Office; it is sent here from the files. It is sent from the files in the Pension Office.

Judge PAYSON. That is all right then. That is a different statement.

Mr. ENLOE. If it has not already been offered, I will offer the papers

in this case in evidence. I want the whole case to go in. It is not very long and I want the whole thing to go in evidence.

Mr. BAILEY. I am sure everything was offered before because I made copies of it.

Mr. ENLOE. I want to ask Mr. Bailey to identify that.

Judge PAYSON. Is it a part of the files, Mr. Bailey?

Mr. BAILEY. Yes, sir, it is.

Judge PAYSON. Well, let it go in then; that is all right.

The following is the slip referred to and was here offered in evidence.

Mr. BAILEY:

Whatever may have been the real understanding between Legg and Martin, it is plain to my mind that the examination of Mr. Brooks did not go far enough to justify a proceeding against Martin for violation of Sec. 5498, R. S., nor even to seriously compromise his standing as a clerk.

But, however innocent may have been Mr. Martin's connection with the matter, and however blameless may have been his intent, I have no doubt whatever Mr. Legg's purpose was to hold out to the world, as an inducement to business, the impression that he had an office at Washington, D. C., where the direct contract with the Department and Bureau would create special advantages, which his experience as late special examiner would readily utilize for the benefit of his clients. (See his advertisement with Brooks's reports.)

Such an impression, which it is plain he sought to create, was illusory and deceptive. It was, in fact, untrue. He had no office here, but only a box at the post-office, the only use for which was to give color to the impression that he had a Washington branch or principal office, while the fact is that there was no authorized representative of his business here if Martin's statement be true, and the only use the box was put to was as a blind or cover to his false pretense of having an office here. According to the statement of Martin, to whom Legg intrusted the key of the box, letters mailed to the box, as invited by Legg's advertisement, were immediately taken therefrom by Martin and mailed direct to Legg at Topeka.

The pretense of a Washington office was a shameless sham and a fraud deliberately planned and executed upon the confidence of those who accepted his advertisement in good faith. It is to be regretted that Mr. Brooks did not take the trouble to learn *the truth* about the occupancy of an office at 81 or 82 Corcoran building. If he had an office there it would be difficult to explain why his agent from that office did not have the box key, get the mail, and attend to the business, and why Martin should keep the key, get the mail, never consult at the Corcoran building office, but send the mail forward to Legg at Topeka.

The reason is simple. Legg had no agent here for doing business. He had no office in the Corcoran building.

I have not a doubt that proper inquiry by Mr. Brooks would have shown that at longest and most Legg had nothing more than a *nominal* desk in that building, while he was in town here, and that, too, only to give color to his advertisement of a Washington office.

His imposition on the public, the false impression he evidently created (as shown by the receipt at the Washington box of mail sent to him here by his clientage), is such an irregularity as of itself should disbar him from practice.

His course was a plain, palpable, and direct violation of section 5 of the act of July 4, 1884, in that he did "with intent to defraud in any manner, deceive, and mislead any claimant or prospective claimant by advertisement."

When taken in connection with the other irregularities found to exist in his practice as an attorney before this Bureau, this deception herein referred to should, I think, have the effect to clinch the evidence of the impropriety of his further recognition as an attorney of the Interior Department.

By Mr. ENLOE:

Q. What were your personal relations with Mr. Martin at the time you made this report?—A. No more than acquaintances.

Q. How long had you known him?—A. When I had this order to investigate the matter I had never met him or had any coversation with him prior to the date on which I took that deposition.

Q. Well, you started in to investigate on this exhibit here to this deposition letter of Mr. M. J. Cuff?—A. Yes, sir.

Q. Now, that charged one Mr. Fuller, an employé of the Pension Bu-

reau, being in partnership with Mr. Legg; wasn't that the charge?—A. Yes, sir.

Q. Who is M. J. Cuff?—A. I don't know.

Q. Didn't you ever find that out?—A. No, sir.

Q. Didn't you try to?—A. No, sir.

Q. Why didn't you hunt him up?—A. I had no particular reasons to hunt him up. There is the letter I was instructed to proceed with the investigation on.

Q. That was signed by Mr. Cuff?—A. Purported to be signed by him.

Q. You never made any effort to find out who he was?—A. No, sir.

Q. Have you learned since who he was?—A. No, sir.

Q. I see you file an exhibit here of an advertisement of this pension attorney Legg, and on it is written in pencil: "He told Kirby and Reedy that he knew Fuller was in partnership with him." Who is Kirby?—A. I don't know.

Q. Who is Reedy?—A. I don't know.

Q. Did you make any effort to find out who they were?—A. I don't think I did.

Q. Who wrote that pencil memorandum on this paper?—A. I don't know.

Q. Where did you get this advertisement?—A. I think it was inclosed with that letter.

Q. You looked at this letter for directions in making the investigation?—A. Yes, sir.

Q. And you never tried to find out who Reedy and Kirby were?—A. No, sir.

Q. You didn't want to know who they were?—A. No, sir.

Q. You don't know to-day who they were?—A. No, sir; I went directly to the post-office.

Q. What were your relations with Mr. Fuller?—A. Not any more than any other clerk.

Q. You knew him?—A. Yes, sir.

Q. Was he a personal friend of yours?—A. No more so than any other clerk.

Q. Are you a personal friend of all the clerks in the office?—A. I think so.

Q. Are they all your personal friends?—A. I hope so; I don't know that there is any particular friendship. We were acquaintances; that was all.

Q. To what extent did your acquaintance with Mr. Fuller go? Did you associate with him any?—A. No, sir.

Q. Ever in company with him at his house?—A. No, sir.

Q. Ever visit any public places of amusement with him?—A. No, sir.

Q. Never had any association with him, except to meet him in the Pension Office?—A. That is all; in passing back and forth in the Pension office.

Q. Why didn't you take Mr. Fuller's deposition?—A. He was out of town and I could not reach him.

Q. He didn't stay out the whole year, did he?—A. I don't remember whether he was out the whole year or not; he was out as a special examiner and I don't know when he got in.

Q. You started in to investigate him?—A. Yes, sir.

Q. And he is the man against whom the charges were made?—A. Yes, sir.

Q. And you never saw him?—A. I didn't; he was out of my jurisdiction.

Q. You could have had him called in?—A. I don't know whether the office would have called him in or not.

Q. Did you ask the office to call him in?—A. No, sir.

Q. Did you make any effort to take his deposition?—A. No, sir.

Q. Why didn't you?—A. Because he was out of town.

Q. The chief of the division could have sent out for him if you wanted to take his deposition?—A. Yes, sir.

Q. Did you talk with him about it?—A. I don't know whether I did or not.

Q. Didn't you understand the chief did not want him investigated?—A. No, sir; I did not.

Q. Wasn't that the reason you didn't hunt him up?—A. No, sir; I can give you the reason.

Q. Give it.—A. That communication stated that Mr. Fuller had the key, or access to the box, of A. M. Legg in the city post-office; that is my recollection. I went to the post-office and consulted with the superintendent and one of the carriers there and asked them about this box, and he said he hadn't any box and had not had any for some time; he had not paid the rent and it was closed. Then I asked him if he knew who was getting the mail, and he said, I think, he called on a lady who is at the general delivery, and he asked her and she described a gentleman, described Mr. Martin, and then I asked them and asked several there in the office through the superintendent whether Mr. E. G. Fuller had ever been receiving Mr. Legg's mail or getting it. One of the gentlemen who had something to do with the boxes said that he knew Mr. Fuller and he was positive Mr. Fuller had never been there getting any of Mr. Legg's mail, and for that reason I didn't follow up Mr. Fuller any further.

Q. You thought if you found Martin had been receiving his mail it was not necessary to inquire whether Mr. Fuller was his partner or not?—A. I didn't know Mr. Fuller at that time.

Q. I want to know why it was when you had started out to find out whether Mr. Fuller was in partnership with Mr. Legg you stopped when you found Mr. Martin was connected with it; why didn't you go on and investigate this matter as to Fuller?—A. Because I was satisfied Mr. Fuller had nothing to do in getting the mail.

Q. Were you satisfied he had not been the partner of Legg while here?—A. I did not know; I had no reason to suppose he was.

Q. Did you have any reason to suppose he was not; did you have any evidence?—A. I had no evidence of it, no, sir; no more than these post-office officials said Mr. Fuller had nothing to do with Mr. Legg's mail.

Q. Did you suppose the post-office officials knew all about Mr. Fuller and for that reason you didn't take any further depositions there?—A. No, sir; it was a verbal conversation I had with them there.

Q. If you were satisfied Mr. Fuller had nothing to do with it at all why did you take the deposition of his son?—A. I think there was something said by some one, I don't remember who it was, that Mr. Legg had tried to employ Mr. Fuller's son as his clerk to do his Washington business here for him. I don't remember where I got that information now, and I wouldn't say positive in that respect.

Q. How old was his son?—A. The deposition will give his age; I don't remember.

Q. I think the deposition says 19 years old.—A. Whatever it states is what he told me.

Q. In this deposition here, when you took young Fuller's deposition, didn't you find out that Legg had been there and had a conversation with Fuller?—A. If the deposition says so, I did.

Q. If you found Fuller visited Legg while here, and Legg and Fuller had a conversation of which his son said he knew nothing, don't you think that should have prompted you to investigate further?—A. I don't quite understand that question, Mr. Enloe.

(Question read by Mr. Palmer, the reporter.)

I can say it did not. I don't remember anything as to the prompting at the time, but I didn't take his deposition and didn't see him.

Q. Is it customary with you when you are sent out to investigate charges of this kind to pay no attention to the persons making the charges and make no attempt to see the person preferring the charges to see what he knows in regard to it. Is that your usual custom?—A. No, sir.

Q. Is it your usual custom when a man prefers charges and you are directed, as in this case, to investigate it and he has named witnesses who have made statements that they know of the transaction, is it your custom to examine them?—A. We generally look that up.

Q. Now, can you state any reason to this committee why you departed from the custom and did not look up Cuff, who made charges, and the two witnesses he named and alleged that Fuller had told this story to?—A. The only reason I have was that after my inquiries at the post-office I was satisfied that Mr. Fuller was not in partnership with Mr. Legg.

Q. Which did you take first, the deposition of young Fuller or the deposition of Martin?—A. Let me see my report and I can tell you that. (Report handed to witness.) I took Martin's deposition first.

Q. If you were satisfied then—didn't you take that after your conversation with the post-office employés, that is, Martin's deposition?—A. Yes, sir.

Q. If you had been satisfied at that time that Fuller had no connection with Legg, why did you afterwards go and take this deposition of young Fuller?—A. I can't explain now, unless it was that somebody intimated or told me that Mr. Fuller's son had been employed by Legg or that Legg had tried to employ him as a clerk. It may be that Mr. Martin, in Martin's examination, suggested that, but I would not be positive about that.

Q. Then you were not satisfied at that time that Mr. Fuller had no connection with Legg?—A. I am satisfied that he had no connection with Legg.

Q. You were not when you took this deposition of young Fuller?—A. My impression at that time was that possibly the person who wrote that letter had got the son confused with the father, had confused the son with the father in stating that he was in partnership; that he, the father, was in partnership with Mr. Legg.

Q. That is your explanation of the reason?—A. That is my recollection now. I can not tell positively.

Q. You were not satisfied then in your own mind at that time that there was no connection between Legg and Fuller; and if you were, why did you take this deposition of young Fuller?—A. I was satisfied.

Q. Why didn't you ask young Fuller when you took his deposition whether or not there was any conversation between his father and

Legg about this partnership?—A. I don't remember; probably didn't think of it.

Q. You didn't think of it?—A. Probably not; I don't think of everything. There are a good many questions I might ask if I had the chance to do it over again that I think of now.

Q. How long have you been a special examiner?—A. Since 1884.

Q. You have investigated a number of cases, haven't you?—A. Yes, sir.

Q. Are you considered a pretty fair examiner in the office?—A. I don't know.

Q. You don't know how your record stands?—A. No, sir.

Q. You have never had any complaint made of your inefficiency, have you?—A. Not that I know of.

Q. Has the chief of the division ever called your attention to the fact that your work was not up to the standard?—A. On two or three occasions I think I have had cases sent back to me for faulty work; I think, probably that is all.

Q. Did you have a conversation with Theodore Smith about this case?—A. I probably did.

Q. Do you remember whether you did or not?—A. I must have had some conversation with him. I generally have a conversation with the chief of the division about the cases.

Q. Do you remember what conversation you had with him about this case?—A. No, sir; I do not.

Q. Do you remember whether or not he told you you need not proceed any further?—A. I can't say; I don't remember.

Q. If he hadn't given you any order to that effect, wouldn't you have gone further?—A. If the report had been returned to me, on account of insufficiency, the points in which the report was not satisfactory would have then been pointed out and I would have been instructed to proceed further, which I would have done.

Q. Did you put that in as part of the report in this case, that letter there [hands letter to witness]? Does that letter properly belong to the original papers of that file?—A. The letter of Mr. Bailey addressed to the Commissioner of Pensions?

Q. Yes, sir.—A. I don't know anything about that letter; I never saw it before.

Q. What is the date of it?—A. April 19, 1892. I think that is the date; it is a little indistinct.

Mr. ENLOE. Yes, that is the date.

Q. Mr. Martin told you in his deposition that Legg had an office at one time in the Corcoran Building, rooms 81 and 82, in Corcoran Building in this city?—A. If the deposition says so he told me so. If the deposition states that——

Q. Why didn't you ascertain the truth about Legg's having an office in that building?—A. I don't remember whether I did or not. I don't think I made any inquiry about it.

Q. You didn't make any report about it?—A. No, sir; I understood the office—my recollection is he didn't then have any room there or office at that time.

Judge PAYSON. At that time?

A. Yes, sir.

Q. (By Mr. Enloe.) Your recollection is you ascertained that fact?—A. I think I ascertained that fact; that is my impression.

Q. Why didn't you state that in your report?—A. I don't know whether I did or did not.

Q. Did you find out whether or not he had any connection with the office that Legg had down there in the Corcoran building?—A. The deposition will state what I learned from Mr. Martin. I don't remember.

Q. The deposition states you learned from Mr. Martin that Legg had at one time an office in the Corcoran building. Now, if you did ascertain that he had an office and an agent here, what occasion would there have been for Mr. Martin, who is in the Pension Office, to handle his mail?—A. I can't answer that.

Q. You can't answer that?—A. No, sir.

Judge PAYSON. Isn't all this a matter of inference? Will there be any dispute about what the record shows that this man Legg did have an office here and he had made a failure of it and moved West; will there be any dispute about that as to his being here? There have been a number of witnesses who have testified to that heretofore, but I don't remember who they are.

Mr. ENLOE. The record will show as to that.

By Mr. ENLOE:

Q. Why didn't you hunt up this man Davidson, that you say in your summary was a partner of Legg at one time, and ascertain what he knew about Martin's connection with Legg?—A. I don't remember anything about Davidson. I don't remember all there is in that report. As soon as I turn in a report I dismiss it from my mind.

Q. You may refresh your memory from that and see if you recollect anything about Mr. Davidson, and I would like to know why you didn't hunt him up [hands report to witness]?—A. I can give you my impression about that. As I remember it now, this man Davidson, as I understood it, was a Western attorney, and had been in partnership with Mr. Legg sometime out West.

Q. That is your recollection of the basis of the statement made here, is it?—A. As to Davidson?

Q. Yes, sir.—A. Yes, sir.

Q. You are positive that Mr. Martin signed that deposition which has been exhibited here?—A. Yes, sir.

TESTIMONY OF W. A. MARTIN.

W. A. MARTIN sworn and examined.

Q. Will you look at that deposition and see whether that is signed by you?—A. I never saw that one before, I don't think.

(Witness examines papers.)

The WITNESS. Yes, sir.

Q. How many different signatures do you usually use, Mr. Martin?—A. I don't know; I sometimes sign my name one way and sometimes another; sometimes as it is there and sometimes as it is here.

Q. Did you write those two signatures?—A. Yes, sir.

Q. Didn't you state you always wrote your signature one way or the other?—A. Yes, sir; sometimes I sign it that way and sometimes like that.

Q. These two signatures are entirely different, are they not?—A. Yes, sir; but they are both my signatures.

Judge PAYSON. They both are?

A. Yes, sir.

By Mr. ENLOE:

Q. This is different from that?—A. Yes, sir.

Q. That is an entirely different signature from the other one, is it not?—A. Yes, sir; undoubtedly; although anyone could see the same man made both signatures, or that one man made the three signatures. I am not limited to one form of signature.

Q. Not limited to one style of signature?—A. No, sir.

Q. Mr. Martin, what position do you hold in the Pension Office?—A. I am a clerk of the first class, $1,200 per year.

Q. How long have you been in the Pension Office?—A. My first appointment was in 1878.

Q. What State were you appointed from?—A. Illinois.

Q. When did you make the acquaintance of Mr. Legg?—A. About 1878, when I first went into the office.

Q. How long did you receive his mail for him?—A. About a month, in dribblets, about once a week, perhaps, or twice a week, as I went by that neighborhood—by the post-office—I would drop in and get it.

Q. What arrangement existed between you and Mr. Legg?—A. A very simple one; he having known me a long time and having mail he didn't want other persons to get, he told me to get his mail and forward it to him at Topeka, Kans., as he had a lock box; and he gave me his key to it. Simply a friendly transaction between us.

Q. In getting his mail did you open his letters?—A. I did.

Q. Didn't you state in this deposition here that you didn't?—A. No, sir; I was asked if I opened them on the cars and I stated I thought not; perhaps I said I didn't. I did not remember the transaction.

Q. What did you open the letters for?—A. To extract his private mail from his business mail.

Q. What did you do with the business part of it?—A. Sent it to him.

Q. What did you do with the private part of it?—A. I sent it to him. Some of it was marked personal.

Q. What was your object in opening it?—A. Merely to extract his private mail from his wife or son or sweetheart.

Q. Did he have any sweetheart?—A. I think he did; men usually do.

Q. How many have you got?—A. That is a private matter, sir; it is none of your business.

Q. You say you think men usually have sweethearts—do you mean married men?—A. I have heard of such things; yes, sir.

Q. You are a married man?—A. Yes, sir.

Q. Did you mean Mr. Legg in his correspondence had any?—A. I don't know whether he had or not; I don't think he had, though.

Q. Are you testifying of your own knowledge that married men usually have sweethearts?—A. Yes, sir; from my own mind.

Q. Do you say married men usually have sweethearts?—A. Yes, sir; they generally do.

Q. You know that to be so?—A. Generally speaking; yes, sir.

Q. Will you name some of them?—A. I never saw you before; I don't know anything about your personal matters; I had no personal reference to you at all.

Q. I want your knowledge. You are testifying here to a positive knowledge in regard to the relations of married men, and what they usually sustain outside of their families?—A. You asked me about this private mail.

By the CHAIRMAN:

Q. The question was, why you opened the mail and separated the private from the public. Did you mean your answer then as a joke?—A. Yes, sir; simply as a joke.

By Mr. ENLOE:

Q. Then if it was not to keep out any of that correspondence of that character that might go to his home, was it to get information for use in the Pension Office?—A. No, sir. The fact that he was a pension attorney before the office had nothing to do with it; it was simply a friendly transaction. He said he was going to open an office in Washington some time, and said he was anxious to get back to Topeka, and asked me to do this, and I stated I didn't like to do it, and he seemed to be offended, he having known me so long, and said it was entirely a friendly transaction between us, and I finally said, "All right, I will do it for you a short time," and I went to the post-office and got it. It was not under cover at all. It was all open and above board. They asked me at the post-office if I was A. M. Legg, and I said "No, sir; my name is Martin."

Q. You demurred against it?—A. Yes, sir; I said I didn't like to do it.

Q. You didn't think it was proper?—A. I don't mean to say that I didn't think it was proper; I thought that it might be called up and investigated.

Q. Did you think it was legally improper?—A. Not legally improper.

Q. Do you mean morally?—A. No, sir; I don't exactly mean improper; I mean a matter of indiscretion.

Q. You mean it might be an injury to the public service?—A. Not a particle; no, sir.

Q. You think it would be a perfect and proper thing for clerks in the Pension Office to receive mail for attorneys and open it up and see what it was and see to it for them?—A. It would be so long as you didn't do anything wrong.

Q. Would there be any object for a Pension Office clerk to receive the mail of a pension attorney and open it, unless he wanted the information in that mail?—A. I don't know why he would open the letters, unless he would want to see what was in them.

Q. Then you wanted to see what was in that mail?—A. Not for Pension Office purposes. I merely picked up the letters to see what it was and whom it was from.

Q. What did you want to do that for?—A. I wanted to separate his business letters from his private.

By the CHAIRMAN:

Q. What was that for?—A. Just merely to send it to him; I supposed he didn't want it opened in Topeka by any of his clerks. He told me how he wanted me to do it and I did it. He didn't tell me there was anybody in Topeka he didn't want to see it, but I supposed he had clerks there and he didn't care to have them opening his private mail.

Q. After you opened this mail did you send it all to him?—A. Yes, sir.

Q. Everything?—A. Yes, sir; he left me postage for that purpose.

Q. It was opened there by somebody and examined, was it; that was the practice there?—A. I don't know how he did it; he knows better than I do.

Q. He left you postage stamps to forward this mail?—A. Yes, sir; as a matter of course.

Q. Don't you know unless you opened those letters it would not be necessary to put extra postage on them; all you would have to do was to change the address and forward them?—A. I suppose so.

Q. Don't you know that?—A. Yes, sir; I know that.

Q. Why should he leave you postage stamps and put you to the extra trouble and embarrassment of reopening and forwarding them when you could have sent them in the way I have spoken?—A. I don't know what his object was.

Mr. DUNGAN. Did you send those letters in one envelope, that is, his private business, his personal letters; and another one, which were his business letters; did you separate the personal letters from the business letters in forwarding them?

A. The personal letters were put in one envelope and marked "personal," and they went in the ordinary way.

By Mr. LITTLE:

Q. Did he have a partner?—A. I don't know anything about that; I think Mr. Davidson was his partner at one time, but I don't know anything about his business at all.

Q. Did you address the letters to the company or to him personally?—A. To A. M. Legg.

Q. All of them?—A. Yes, sir.

By Mr. ENLOE:

Q. You say in your deposition, "I have gone around about twice a week and got his mail and forwarded it to him. He left some few stamps with me, so I just stick them on and let them go." What did you mean by that?—A. I suppose I meant to put them in an envelope, in a new envelope, and let them go.

Q. Did you mean to convey the impression when you gave that answer in that deposition that you simply took them out and stuck the stamps on and forwarded them?—A. Yes, sir; and put them in another envelope.

Q. You were asked this question: "Did you stick them on at the office or take them home?" and you said, "Sometimes I would take them home, just as it was convenient to me; I didn't always have anything to write with." Were you conducting any correspondence with him in relation to this mail?—A. None whatever. I never wrote a letter.

Q. What did you mean by saying you didn't have anything to write with?—A. I mean I didn't have a pen in my pocket or anything convenient with which to write where I was.

Q. Don't you know there are desks provided for that purpose in the post-offices?—A. Yes, sir; I suppose I could have done that or many other things, but I didn't.

Q. That is not your reason, then?—A. That is the reason as I gave it there.

Q. Because you couldn't find anything to write with?—A. No; that is one of the reasons; that is one of the answers I gave there; one of the many that might have been given.

Q. Is this answer true?—A. Yes, sir.

Q. Do you still say you could not find anything at the post-offices to write with, so you took them home?—A. I still say it; yes, sir.

Q. That is true?—A. Yes, sir.

Mr. BROSIUS. Is that his answer in the deposition?

Mr. ENLOE. "I didn't always have anything to write with."

Q. You could have picked up a pen when you took the letters out and addressed them, couldn't you?—A. I suppose I could.

Q. You know you could, don't you?—A. I suppose I could.

Q. You know you could?—A. I am quite sure of it; there are generally places of that kind there.

Q. I will ask you if you don't know if there are places in the post-office in the city of that kind?—A. Yes, sir; I know that.

By the CHAIRMAN:

Q. You mean to say, Mr. Martin, that all this was done—you want this committee to understand this was all done without any motive on anybody's part, so far as you know?—A. So far as it relates to Pension-Office matters.

Q. Is that what you mean?—A. Certainly, assuredly, unqualifiedly so.

Q. Did you ever take out any of the evidence from these letters and file it in the Pension Office?—A. No, sir; never in my life; never held back anything either; that is a fact.

By Mr. ENLOE:

Q. You state you wanted to see what information the letters contained and so read them.—A. Just casually ran over them; I didn't read all the letters.

Q. You didn't read all of them?—A. No, sir.

Q. Some of them?—A. Just glanced at them.

Q. You glanced all over them to see their contents, did you?—A. Yes, sir.

By the CHAIRMAN:

Q. If he had left directions at the post-office to forward his mail he would have got it all along, wouldn't he?—A. Yes, sir.

Q. Do you know of any reason in your own mind why he should ask you to do this?—A. Only the one I gave; that he was going to open an office in Washington very soon and he intended to do it before he left.

Q. Your instructions were to forward it all to him from here?—A. Yes, sir; I suppose he intended to keep that box on until after he came here himself.

Q. Couldn't he have done so; couldn't he have kept the box just as well without having you go and get the mail?—A. I suppose so; yes, sir.

By Mr. ENLOE:

Q. Did you put these letters in separate envelopes or bunch them all up in one envelope?—A. Sometimes put two in one, sometimes two or three, according to the way they came, whether they were bulky or not.

Q. You state here in your deposition that you received three or four letters at a certain time and stopped at the Ebbitt House. Do you remember that?—A. Yes; I remember that.

Q. You were asked this question: "Did you open any of the letters you received addressed to A. M. Legg?" and you answered, "Yes, sir; I think I opened them all and put them in an envelope." Is that right?—A. Yes, sir.

Q. So you didn't separate the private mail from the business mail; you just put them all in and sent them?—A. Yes, sir; I did.

Q. Did you put them in separate envelopes and address them separately?—A. Separated his private from his business mail and put them in separate envelopes.

Judge PAYSON. If they all happened to be business letters you put them all in one envelope?

A. Yes, sir.

By Mr. ENLOE:

Q. You say you attended to this business here to save postage, don't you?—A. I don't remember that.

Q. That you pursued that course to save postage, opening the letters and putting them in those envelopes, putting several of them in one envelope?—A. Putting several in one envelope you mean?

Q. Yes, sir.—A. I did it to save postage; yes, sir. I was not requested to do that. It was simply a matter of judgment on my own part.

Q. Now, what do you say your object was in doing that?—A. Merely to separate his private mail from his business mail.

Q. Now, when you were asked that question by Mr. Brooks you made this answer, "I put them all in one consolidated way to save postage." Which is the correct answer, that one or this one?—A. What is the question there?

Q. The same question I ask you, "What was your object in opening them?" and I ask you the same question and you answer it there and you have answered it to me, now you can answer it again if you want to.—A. I don't exactly get that.

Q. What was your object in opening up the letters?—A. To separate the private mail from the business mail.

Q. You made this answer to Mr. Brooks: "What was your object in opening them?" which is the same question I have asked you, and you answered, "I have said to put them in a more consolidated form and to save postage." Which answer was a correct answer?—A. I suppose they are both correct according to the questions?

Q. In a question of fact does your mind have two distinct impressions about a matter of fact?—A. Sometimes it does; yes, sir, and both perfectly honest and correct.

Mr. LITTLE. It depends upon the time of year you are asked the question, I suppose.

A. It depends upon many circumstances; yes, sir.

By Mr. ENLOE:

Q. Are you answering these questions and accommodating your answers to what you believe to be the necessities of circumstances?—A. I am trying to give the whole truth about the matter as near as I can remember it.

Q. Did you ever read any of those letters?—A. Glanced over them, yes, sir; took no interest in them particularly.

Q. I will ask you this question: Did you ever read any of them?—A. Yes, sir.

Q. Mr. Brooks asked you, "Have you read any of them?" Your answer was "No, sir; I don't believe I ever read a line of them. In fact it was a very great trouble and annoyance, and all that sort of thing, and I wanted to be friendly in the matter, and do what I could for him within reasonable bounds." Which time were you answering to the truth—when you answered Mr. Brooks, or when you answered me? Which is the truth?—A. O, I didn't read every word of the letters, of course, that is what I mean; I glanced over them to see the contents. Just as a man reads an affidavit, he doesn't go from the top to the bottom and read every word of it.

Q. You told him you never read a line of them?—A. I did tell him the truth.

Q. Do you remember of stating that?—A. Yes, sir; I suppose so.

Q. Do you tell us the truth when you say that?—A. Yes, sir; I suppose so.

Q. You told the truth both times?—A. Yes, sir.

Q. Did you open any of those letters at the Ebbitt House that night?—A. I don't remember now whether I did or not. In fact I have not given it much consideration since.

Q. Mr. Brooks says in regard to those letters, "Where did you open those you did not open at home?" And you answered: "I am sure I didn't open any of the mail until I got home."—A. He is asking me about one particular evening.

Q. You say you didn't open any of those letters until you got home that evening?—A. I don't remember anything about it.

Q. Do you remember whether Mr. Brooks reported that he saw you open them, in his report?—A. No, I don't think he said so; I don't remember that he did.

Q. You understood all the time that this investigation was going on. You knew what was being done in regard to it, didn't you?—A. No, sir; I didn't even know why I was called for, and I never asked. I didn't know what it was done for.

Q. Perhaps I am mistaken about what Mr. Brooks's report said, but I see he said you opened some of those letters on the cars. I will ask you if you opened any on the cars?—A. I don't remember of doing it.

Q. You don't remember?—A. No, sir; I was asked these questions at that time.

Q. You would have known if you did at that time, wouldn't you?—A. No; because it was a week afterwards. I had a great deal of difficulty in remembering at the time, because it was a week or ten days afterwards.

Q. You were asked this question: "Did you open any of the letters at all on either of the cars?" and you answered, "No."—A. Yes, sir.

Q. You were asked if you opened any letters in the Ebbitt House, and you answered, "None at all; I never thought about that; no, indeed."—A. Yes, sir.

Q. You still adhere to that declaration, do you?—A. Yes, sir; I think that is correct. I don't remember now that I did.

Q. What do you know about the arrangement between Mr. Fuller and Mr. Legg?—A. I don't know anything about it.

Q. Did you ever hear anything about it?—A. I heard Mr. Legg say once he was thinking about getting Mr. Fuller's son—employing him. He and Mr. Fuller were old friends, and I heard him mention that casually.

Q. That they were old friends and he was thinking about getting Mr. Fuller's son?—A. Yes, sir; a legitimate transaction, entirely.

Mr. LITTLE. Is that a part of what Mr. Legg said, it was a legitimate transaction?

A. No, sir; that is what I say; I say that it would be.

By Mr. ENLOE:

Q. You don't know whether the arrangement was made or not, do you?—A. No, sir; I don't know anything about it.

Q. You stated here that you have an indistinct recollection, because he is an unsatisfactory man to talk to. Did you mean Mr. Legg?—A. Yes, sir; Mr. Legg, a man who is very reticent about his business, and who says very little about it.

Q. He kept his business pretty quiet?—A. Yes, sir; he was a man who is not given to talk on any subject to a very great length.

Q. Did he tell you he had anybody that was furnishing information about his pension business?—A. No, sir; he told me he had somebody employed and the office was in the Corcoran building; that they were unsatisfactory, and he was going to get somebody else. I never was in his office in the Corcoran building; don't know where it was; I remember at the time he gave me the number of the rooms, but I don't know what they are now.

Q. When Mr. Legg's box rent became due and the post-office authorities called your attention to it, what was your reason for not holding any correspondence with Mr. Legg about it?—A. Because I didn't want any.

Q. You and Mr. Legg didn't have any correspondence during this entire time?—A. No, sir.

Q. You never wrote him anything?—A. No, sir.

Q. Nor he didn't write you anything?—A. Not that I can remember of.

Q. What was the reason you didn't have any correspondence?—A. Simply because there wasn't any necessity for it, that I know of.

Q. There wasn't any necessity?—A. I had nothing to do with his box rent. It came due, and I asked the gentleman at the box window when he said it was due; I said that I had nothing to do with his box rent; you can write to him and notify him. He asked me to do it, and I said, "No, I have nothing to do with his business at all, and I wish you would write him and tell him his box rent is due. I am getting tired of calling for his mail anyway, and I would be very much obliged to you if you would do it." And after a time I gave up the key. He told me the next time I came that the box rent was due, and I said, "Here, you take the key."

Q. You say you didn't have any correspondence with him at all?—A. I don't remember of anything; no, sir.

Q. In your deposition here you make this statement, this affidavit had been taken when you surrendered the key to the box; you surrendered the key before you made this affidavit?—A. Before.

Q. Before?—A. I think so; yes, sir; I had surrendered it.

Q. Didn't you tell Mr. Brooks, when he examined you, that you wrote on a slip of paper and inclosed it to Mr. Legg, this question, "What shall I do with your key?"—A. Yes, sir; I remember that; yes, sir.

Q. Is that all you wrote him in that letter?—A. Yes, sir; I don't think I even signed it.

Q. You didn't sign it?—A. I don't think I did.

Q. What was your reason for not signing it?—A. No particular reason; it was not necessary.

Q. Why didn't you sign it?—A. I said before I had no particular reason.

Q. Wasn't it your object in not signing this memorandum to keep the fact concealed of your having anything to do with his mail?—A. No, sir; not at all.

Q. Wasn't that the reason you didn't write him any letters?—A. No, sir.

Q. And wasn't that the reason you didn't sign this slip?—A. No, sir.

Q. What was your reason?—A. I didn't think it was necessary; I could have signed it or not.

Q. Do you, ordinarily, in writing communications to other people, leave off your signature?—A. No, sir.

Q. It is not a practice of yours?—A. No, sir.

Q. You have, I believe, been shown here three different signatures, and you could easily have written either one of them, couldn't you?—A. Yes, sir; any man who knows my writing could recognize any one of those signatures as mine.

Q. Have you more than three?—A. I probably could elaborate.

Q. Are you in the habit of doing it?—A. Let me see——

Judge PAYSON. Do you question the signature to that deposition, Mr. Enloe, as a matter of fact?

Mr. ENLOE. I am not questioning him on that point now.

Judge PAYSON. Then it is immaterial.

The WITNESS. Yes, sir; I can write another, I think.

Judge PAYSON. I can't see the point at all.

By Mr. ENLOE:

Q. You have testified before this committee fully and truthfully, have you?—A. Yes, sir; I have; that is what I came here for.

Q. What position did you hold prior to this transaction in the Pension Office?—A. I was a clerk in the Pension Office.

Q. What was your salary?—A. One thousand two hundred dollars per year.

Q. Have you been promoted since that time?—A. No, sir; I have never been promoted.

Q. Never have been promoted?—A. No, sir.

Q. Did you ever have any talk with the Commissioner about this business?—A. No, sir.

Q. No reprimand, or anything of that kind, was ever administered to you?—A. No, sir.

TESTIMONY OF M. B. BAILEY—Recalled.

M. B. BAILEY, recalled.

By Mr. ENLOE:

Q. Do you know how this letter of yours, addressed to the Commissioner of Pensions, came in that file of papers? [Hands witness papers used in the Martin examination.]—A. Yes, sir; Mr. Wilcox, I think, came down there and told me the papers were to be filed with the committee, and in speaking with Gen. Raum about it he told me to address him a letter, briefly reciting the facts in this case, which I did, and I promised to get the papers up here at noon of the day he was there after them, and when I sent the letter to Gen. Raum I had some trouble in getting an audience with him, and he said, "That is all right; put the copy in with the papers." I didn't have time to write another, so I just stuck a press copy in there.

Q. What was the necessity of putting that in there?—A. I don't know, except that all these papers that have come from the law division the general has required me to make a brief statement in regard to the case and put it along with the papers.

Q. In this particular case?—A. No; that has been done in other cases, too, I think.

Q. How long is it since that report was made?—A. It is a long time since I read the report, and I don't know.

Q. See when it was made. [Hands report to witness.]—A. That was some time in June, 1890—June 4, 1890.

Q. Has that paper been in your possession since June 4, 1890?—A. No, sir.

Q. Where has it been?—A. A good part of the time it was in the care of Green B. Raum, jr. The report should have reached me about June 5, 1890, after it was referred to Gen. Raum by the chief of the special examination division, Theodore Smith, but it has developed since that it was placed in the personal files of Mr. Martin instead of coming to the law division and for that reason I didn't get it until I called Gen. Raum's attention to it, perhaps a year afterward; several months anyway.

The CHAIRMAN. You say it was through Green B. Raum, jr.?

A. Yes, sir; as appointment clerk.

By Mr. ENLOE:

Q. You wrote this letter after these papers had been called for and were to be put in evidence here?—A. Yes, sir.

Q. The letter you wrote in relation to this case was not prepared when those papers were brought here originally?—A. No, sir.

Q. Gen. Raum instructed you to prepare this and put it in there?—A. He said to make him a brief report of the action in that case.

Q. Did he tell you what to put in that report?—A. No, sir.

Q. Did you understand what he wanted in it?—A. I haven't read the letter since I wrote him and I can't remember it now.

(Mr. Enloe hands letter to witness.)

Q. Please read the letter now.

Mr. LITTLE. Please read it out loud so we can all hear it.

(Witness reads letter.)

Mr. ENLOE. Would that paper ever have gotton in this file or been offered as a part of this record if these papers had not been called for in this investigation? Wasn't that letter written on account of the fact of this investigation and because the papers in this case were brought before the committee, and the letter was written for the purpose of breaking the force of that case?

A. I can't tell you about that. Gen. Raum requested me to do that and I did so. I have prepared statements in other cases while here before, and addressed them to him and which he has placed with the papers.

By Mr. BROSIUS:

Q. Is that letter anything more than an accurate statement of what occurred and what the record shows?—A. I think it is correct.

Q. In your judgment?—A. Yes, sir.

By Mr. ENLOE:

Q. You heard the testimony of Mr. Martin on the stand?—A. Yes, sir.

Q. Do you think the same now as you did before when you wrote this letter?—A. I do, sir, so far as the criminal features are concerned; his official conduct as a clerk I have nothing to do with; so far as criminal conduct is concerned, I think it is all right.

Q. You have nothing to do with the propriety of his official conduct?—A. No, sir.

Q. To whom is he amenable for his official conduct in that Bureau?—A. To the Commissioner of Pensions.

Q. Was it your intention to show in writing this letter that there was no ground for a criminal prosecution?—A. To show his connection, so far as criminality is concerned, with Mr. Legg, that is all.

Q. I will ask you if you think in your opinion this investigation was properly conducted by Mr. Brooks; you have heard Mr. Brooks's testi-

mony this morning and have examined the papers. Do you think that was a proper investigation?—A. I never had occasion to doubt it, but I never had my attention called to that part of it.

Q. Now that you have had your attention called to it, do you think he made a proper investigation in that case.

Judge PAYSON. That is a matter of inference on the part of a Pension Office employé. The opinion of this committee must be based on the evidence.

The CHAIRMAN. That is so, unless it is in the nature of expert testimony.

Mr. LITTLE. Did the witness hear Mr. Brooks's testimony?

A. Yes, sir; part of it. Part of the time I was writing.

By Mr. ENLOE:

Q. I will state here is the paper addressed to Mr. Bailey reviewing this case. I will ask Mr. Bailey if he made that memoranda attached to that?—A. That is addressed to the man who wrote this slip. After I came to a decision in regard to these papers I looked them over and determined in my own mind that there was nothing criminal on the part of Mr. Legg or Mr. Martin; and Mr. Pierson has charge of the criminal section of the law division and I called him in and stated to him I wanted him to look over those papers, and he did so, and to make it official I left that slip in and put my initials to this memoranda, and I stated to him then "I do not think there are any criminal features in that case," and he took it off and came back and said, "No; there is nothing criminal in it. I put it in the papers and never saw it until this morning.

Q. I will ask you if you have seen the charges on which this investigation was ordered?—A. Yes, sir.

Q. What was the nature of the charge?—A. "That one E. E. Fuller, special examiner of your bureau, is the partner of one A. M. Legg, a pension attorney, at Topeka, Kans., who has a post-office box in Washington, D. C. Letter signed, 'Yours, respectfully, W. J. Cuff.'"

Q. Had you seen that indorsement on the back of that paper there stating that Mr. Kirby and Mr. Reedy had stated that Fuller told them he was a partner of Legg's?—A. I don't recall that, but the letter itself would be sufficient.

Q. If Mr. Fuller, a Pension Office employé was in partnership with Mr. Legg would he be guilty of a violation of the law?—A. I don't recollect the penalty; I think it is 5498. I think that is the section. (Witness refers to book) Yes, sir; that is the one.

Q. What would be the penalty?—A. (Reading.) "Shall pay a fine of not more than $5,000 or suffer imprisonment for not more than one year, or both."

Q. You being chief of the law division, you were to pass finally upon the question as to whether or not Mr. Brooks had made a sufficient investigation of the charge?—A. Indirectly.

Q. You would do that, wouldn't you?—A. His report is reviewed by his chief, and they are supposed to send in a complete report before it goes to the law division. Sometimes we send them back for more complete or fuller reports.

Q. Didn't you observe in this report that there had not been any investigation of the charge so far as Mr. Fuller was concerned; that the witnesses had not been examined or the man who made the charge either?—A. As I recollect it, the substance of it was that it was charged that this man Fuller had the key and was in partnership with Mr.

Legg, and Mr. Brooks discovered that Mr. Martin had the key and was sending him his mail, and then I didn't see the necessity of pursuing it any farther. After hearing you question Mr. Brooks here, I see there are a number of points he might have investigated further, but at the time I thought it was sufficient.

Q. Don't you think, now, he should have investigated the charges that Fuller was the partner of Legg?—A. Mr. Legg has been here a good many times, and repeatedly explained and stated the whole transaction to me, and satisfied me that Mr. Fuller was never a partner of his, although he tried to get his son to act as his agent here in the city. He now has an agent here and his office is in the city, but he was not satisfied at that time and got Mr. Martin to look after his mail for him, but since then he has come here and established an office and doing business, and there never has been any complaint made against him.

Q. If Mr. Fuller told two honorable men that he was a partner of Legg, and they would have testified to that fact, wouldn't you have taken the testimony of the two men or Mr. Fuller's denial?—A. I think I should have taken the testimony of the men.

Q. Don't you think, when a man prefers charges over his own signature and gives the names of two men who, he alleges, made the statements to him—don't you think the examiner should have looked that up?—A. I believe I would have pursued it to the end if I thought it would show any light upon it.

Q. Do you know what answer you got to the slip here that is attached to it?—A. (Reading.) "Please let me know what you think about it." And this is what he thought.

Q. That is what is written on there?—A. Yes, sir; and I wish to state here, in reviewing this and the subsequent action of Mr. Legg as an attorney, we concluded the grounds were not sufficient to ask for his disbarment. Mr. Legg came in and made statements in regard to this business here and in Topeka; and his statements were such and conduct such that we thought he was an honorable man, and we did not ask for his disbarment.

By Mr. LITTLE:

Q. Was this after that?—A. No, sir.

Q. Were any of these statements made after you had written the letter or before you wrote the letter?—A. No, sir; I accepted that report as made there as sufficient and so stated, and referred it to the proper attorney section, or fee section, as it is called, and the charges there were not considered sufficient to recommend the disbarment of Mr. Legg. I never talked with Mr. Fuller, and Mr. Legg came here and established an agency.

Mr. DUNGAN. Your talk with him was after that?

A. Yes, sir.

By Mr. LITTLE:

Q. How do they usually establish charges here; do they ignore the complainants and witnesses or investigate through them? If this report was not sufficient, I want to know from you as an expert now what is the usual manner.—A. Every case has to be established and goes on its merits.

Q. Is it usual to establish that without investigating the source of authority or the witnesses?—A. No, sir; I don't think it is.

Q. In this case it was done so?—A. You see, the innocence of the party accused was established without an examination of the witnesses of the accused person.

Q. Either the accuser or the witnesses?—A. I think the report shows that.

Q. That is an unusual mode of procedure. Where you have a written statement over a man's signature, is it not an unusual procedure to make up a report of other parties and not take the statement of the person who made the complaint or made the charges?—A. It would be, sir.

Q. Is it?—A. That didn't occur in this case.

Q. I want to know if that is an unusual proceeding?—A. Yes, sir.

Q. Now I ask you where this case differs from the hypothetical question I have stated.—A. The charges are that Mr. Legg, of Topeka, Kans., had for a partner Mr. Fuller, and someone here was getting his mail out of the post-office and had a key to his box in the city, and the examination developed the fact that a certain Mr. Martin had the key, another employé in the Bureau, and he was presumably the person referred to by Mr. Cuff.

Q. Let me know why that examination took some other course, as it did, instead of going to the party who drew your attention to the fact?—A. That was in the hands of the special examiner.

By Mr. ENLOE:

Q. You had a knowledge of the papers when you wrote this letter at the dictation of the Commissioner, didn't you?—A. Yes, sir.

Q. Do you know of any other case that has been disposed of in any way similar to the charges against Fuller?—A. No, sir; I think not.

Q. You knew that he had given the names of two persons whom he alleged had told him that they had statements from Fuller himself that he was a partner of Legg. You know he gave two witnesses who said that?—A. No, sir; I don't think my attention was ever called to the fact that Mr. Cuff gave the names of two men until you called my attention to this indorsement on the back of this.

Q. Then you didn't go fully into the matter?—A. No, sir.

Q. The charge was against Fuller, was it not?—A. Yes, sir.

Q. The development of Martin in the case was an unexpected development?—A. Yes, sir.

Q. He did not relate to the charge at all?—A. No, sir.

Q. Why, after you found this man Martin was handling the mail, why didn't you follow it up in regard to Mr. Fuller, and see what you could establish there by the examination of Mr. Cuff and those two witnesses?—A. Those papers did not come to the law division until months afterwards, after this report was made, and by that time Mr. Legg had an office established and a special examiner, who had been in the office, had resigned and gone into partnership with him, and they had established an office in the city, and I thought it was concluded at that time.

Q. Now that you have heard Mr. Brooks's testimony in this case and have had your attention called to these papers here, you say now you think that this case was properly investigated?—A. It might have been more complete.

Q. Answer the question direct. You say now in your opinion, after hearing this testimony and seeing these papers and having your attention called to it, do you think now that Mr. Brooks made a proper investigation of that case?—A. Not thoroughly, no, sir.

Q. Do you think he made a proper investigation of it?—A. I am not an expert in the examination of claims.

Q. You are at the head of the law division and have charge of this

business there and I want your answer directly.—A. No, sir. I would have examined that much more completely myself, and I learned after this report was made and long before it came to the law division that Mr. Legg had formed a partnership with a man in the office who had resigned, and he had been to the office and explained in regard to his connection with Mr. Martin and it was supposed it was concluded long before this report came to me at all.

The CHAIRMAN. The question is as to the nature of the report.

By Mr ENLOE:

Q. At the time it was made, with the knowledge you now have about it, do you think it was a proper investigation? Just answer it yes or no.—A. No, sir.

Q. Do you know why it was that these papers happened to go to the personal files, instead of coming to your office as they should have done?—A. I head Green B. Raum, jr. make his explanation. I don't know of my own knowledge; no, sir.

Q. If they had taken the regular course they would have come promptly to your desk or your division?—A. I suppose they would go properly to Gen. Raum for him to pass upon the conduct of the clerk, and then go to the law division, but instead of that they were laid away in the personal files; that was the proper course to pursue, just what was done in that case, but they should not have been kept there.

Recess until 1:30 p. m.

AFTER RECESS.

TESTIMONY OF L. D. LANDON.

L. D. LANDON, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. My name is L. D. Landon; 51 years of age; clerk in the Pension Office; I live at 22 Eleventh street NW.

Q. Is that your legal residence?—A. No, sir; my legal residence is in New York City.

Q. What position do you occupy in the Pension Office at the present time?—A. I am a clerk there.

Q. Were you assistant chief under Mr. Barker while he was chief of the record division?—A. Yes, sir.

Q. Did Mrs. Wright make any complaint to you about the conduct of Mr. Ford toward her?—A. Yes, sir, she did.

Q. Do you remember about what time?—A. I could not remember.

Q. You don't remember what time it was?—A. No, sir.

Q. Do you remember whether it was soon after the occurrence?—A. Yes, sir; soon after it happened; it might have been three or four days or it might have been ten days; somewhere along there during that time.

Q. What reason did she give for making the complaint?—A. She said that Mr. Ford might use his official position against her, or something of that kind, because she was there on probation. That was her reason.

Q. Did you tell Mr. Barker at the time?—A. No, sir; I didn't at the time.

Q. Did you tell Mr. Ford?—A. No, sir.

Q. How long was it before you called Mr. Barker's attention to it

and how did that come about?—A. I think it must have been perhaps a month. It might have been a little more or a little less. She said she wished that Maj. Barker as well as myself should know it, because we were away sometimes and she didn't know what might come of it, and I told him then. I hesitated a good deal about telling him at that time, but finally I did tell him.

Q. Do you know whether Mr. Barker spoke to Mr. Ford about it?—A. No, sir, I don't know; I never heard of Maj. Barker speaking about it afterwards. He never spoke to me, nor I to him. Never said anything about it afterwards.

Q. Did you ever call the attention of the Commissioner to it?—A. No, sir; I never have said a word about it since that until this examination, since I noticed Maj. Barker's testimony. I never said a word about it to anyone.

Q. Do you know whether or not she was anxious to testify before this committee?—A. No, sir; she was not.

Q. Do you know whether or not she wanted to testify at all before the committee?—A. No, sir; I don't think she did. I am sure she did not.

Q. Did she speak to you about it after she was summoned here?—A. Yes, sir; she did.

Q. Have you seen her statement or Mr. Ford's statement?—A. I have seen her statement.

Q. You have seen the statement she made before the committee here?—A. I saw it in the paper; I read it in the paper.

Q. What paper did you see it in?—A. I saw it in the World; my attention was called to it.

Q. Did that statement correspond with the statement she made to you at the time?—A. Yes, sir; I think it did. Of course there had some time elapsed, and some of it had gone from my memory, but that refreshed it as to those portions of it. I think it is substantially as she stated to me.

Q. Did you see any motive that Mrs. Wright might have had for telling you this story other than she alleged at the time she told you?—A. No, sir.

Q. Does Mr. Ford owe you any money?—A. Well, as I understand he stated he did there is no wrong in my stating it—yes, sir; he does.

Q. How much does he owe you?—A. That I can not tell exactly. I have his note, and there are some payments on it.

Q. About how much?—A. I should judge it is somewhere between $60 and $70.

Q. I want to ask you if you have been the financial backer of Mr. Barker?—A. I have loaned him money perhaps half a dozen times in small sums, and I have indorsed papers for him three or four times; but that has been paid since. He owes me nothing now.

Q. How many times have you loaned money to Mr. Ford?—A. Well, two or three times, and I have helped once or twice to get him money.

Q. You have been as much his financial backer as you have been Barker's?—A. Yes, sir.

Q. You are in the same division with Ford?—A. I was at that time; I am not now.

Q. At that time you were?—A. Yes, sir.

Q. You and Mr. Ford were both assistant chiefs at that time?—A. Yes, sir.

By Judge PAYSON:

Q. What do you mean by saying his financial backer?—A. He called

it that; I didn't mean that literally; I mean that I have loaned him money.

Q. How much in the aggregate did you loan him during your entire acquaintance?—A. Which?

Q. To Mr. Barker?—A. Well, probably I should judge $100.

Q. Running through how many years?—A. About a year and a half; what time he was in the office.

Q. How much have you loaned Mr. Ford in the aggregate?—A. I expect I have loaned him $200.

Q. During what length of time?—A. About eight years; and then there is the indorsement on the notes; I don't suppose they come in there.

By Mr. ENLOE:

Q. How much did you indorse for Mr. Ford?—A. $100.

Q. Any other indorsement except that?—A. Not for Ford.

Q. How much for Baker?—A. I think about $200.

Q. It is about a stand-off between the two?—A. Yes, sir; so far as that is concerned.

Q. When did you first commence to loan Mr. Ford money?—A. It is something over eight years ago.

Q. Did you loan him money while he was chief of your division?—A. Only a little then, a small amount, and that was paid. He paid that.

TESTIMONY OF M. B. BAILEY—Recalled.

M. B. BAILEY, recalled.

By Mr. ENLOE:

Q. Mr. Bailey, as chief of the law division, do you remember when you began to keep a record of the cases called up on the completed files under Order 151?—A. I think in February, 1890; I think that was the date.

Q. When Order No. 149 was issued do you know anything about the selection of cases that were to go on the completed files under that order?—A. No, sir; I didn't know anything about the order until it had been issued. It was given to me by Gen. Raum to prepare the blanks and enforce it, and see that it was carried out as soon as we could get the proper blanks prepared.

Q. You prepared the necessary blanks for the proper execution of Order 151?—A. Yes, sir.

Q. Do you remember how many cases were selected to be placed on the completed files before claimants or attorneys were allowed to call up cases under Order 151?—A. No, sir; I do not.

Q. You don't know how many cases were selected?—A. I think I have looked over the testimony that was taken some time ago, and my recollection is it was 35,000. The record will show that, however. I only testified from what I have read.

The CHAIRMAN. 35,240?

A. I don't know anything about it, except what I have read in the testimony taken in the last investigation.

By Mr. ENLOE:

Q. Those 35,240 cases were selected by the clerical force of the office, as you understand it, from the files under order 149?—A. I really don't know anything about that, Mr. Enloe. I din't know anything of it, only what I have heard and seen here.

Q. Do you know whether there was any record kept of those cases or not?—A. No, sir; I do not.

Q. You did not keep any?—A. No, sir. I believe that was placed in our total afterwards; I believe we were given this number as a basis and added onto the number we handled afterward.

Q. You commenced keeping a record in February of the cases called up by claimants and attorneys?—A. Yes, sir.

Q. Who ordered you to keep that record?—A. I don't know as there was an order given to me to keep a record, but Gen. Raum said to see that the completed files order was enforced, to prepare the necessary blanks and circulars, etc., but there was no order given.

Q. You kept a record from some time along in February?—A. The record began in February. As soon as the matter got out, giving notice of this new order, then they filed their applications to put their cases on completed files and by the time we had the blanks prepared there was quite a number already filed and the record began when we began to do our work.

Judge PAYSON. And they were retained until you got everything in operation for the order?

A. Yes, sir.

By Mr. ENLOE:

Q. A great many applications were made by claimants and attorneys to place cases on the completed files between the 6th of January and the 7th day of February, when you began to keep this record?—A. Yes, sir.

Q. Do you say now that this record you began to keep in February contained a list of all those cases that were filed from the issuance of the completed files order up to that date?—A. That was the direction, and I presume it was correctly kept.

Q. Under order 151?—A. Yes, sir.

Q. There was not any record kept of that 35,000 cases?—A. Not that I know of.

Q. You say the reason was the day you fixed for the beginning of keeping this record, the reason why the cases that came in between the issuance of the order No. 151 and that time—the reason no record was kept of them as they came in—was because you could not attend to it—didn't have the force sufficient to attend to it?—A. I don't think that was the reason, but because we didn't have the blanks printed. There were thousands of them to be used, and we couldn't write letters in those cases, and we had to have blanks furnished and printed to use, and I think that was the cause of the delay.

Q. You didn't need any blanks under order 149?—A. There were several of those orders issued in regard to the completed files. I don't remember the substance of them from memory now.

Judge PAYSON. You know that order 149 didn't have to have any blanks, didn't you?

A. Yes, sir; I don't think it did.

STATEMENT OF M. D. HARTER.

M. D. HARTER, appeared before the committee and made the following statement, being first duly sworn:

I wish to make a statement, gentlemen, in connection with the statement that my clerk, Mr. Maddox, made yesterday. I don't know

the full character of his statement, nor, indeed, do I care to have it read, though I think, from what I have learned, his statement was substantially correct, though I confess I don't know accurately what it was. When I came to Washington, early in December, Mr. Maddox called at my hotel and proposed to take charge of my business before the Department. He told me that his plan was to do the business of a number of Congressmen, and in that way he could do it for each one of them in an economical way. He referred me to Messrs. Cooper and Brookshire, of Indiana, as having had their business done in this manner and saying that it was very satisfactory to them. I thereupon asked these gentlemen, and they stated, yes, it was true that Mr. Hersey, who was their clerk, had been able to do their pension business in a way which was prompt and satisfactory, and that they could not have done it themselves. I thereupon, as Mr. Maddox had called upon me first, engaged him; and in making the contract with him it was made so that either he or I could cancel it at the end of any month. In making up this contract there was no conversation or understanding of any kind whatever that there should be any private work done direct or indirect through his connection with me. I paid him every month as his bills came in, and on March 30, though my own impression is that it was a day or two later, a few days later than that—Mr. Maddox said it was on March 30—he called me to the west door of the House and he asked me whether I had any objection to his calling up pension cases for nonresident pension claimants living outside my Congressional district. I told him that if it was proper and customary I hadn't any objection whatever. On April 7, going home in a street car, I noticed in the Evening Star that the Commissioner of Pensions objected to it. Immediately on my arrival at my hotel I wrote him a letter.

The CHAIRMAN. Wrote whom?

The WITNESS. To Mr. Maddox, withdrawing my consent given him on March 30 to use my name in calling up cases. In that letter I stated to him that I was unwilling that any man anywhere should lose anything through any mistake of mine, and that if he had charged anybody for services he should refund it to them, and I think I added that if he didn't do it I would do it out of my own pocket. Mr. Maddox called on me that evening and I asked him how many cases of this kind he had handled, and he said less than one dozen. This was the last I heard of the thing until I noticed in an evening paper in New York on my way to New England that my name had been brought up before the committee through a statement by Mr. Hersey that certain other Congressmen were engaged in calling up papers in this manner. I immediately telegraphed Mr. Maddox to come before this committee immediately and tell the whole truth concerning it, as I was unwilling to have a suspicion of wrongdoing attached to me even for one day. A copy of this dispatch I sent to the chairman of this committee. As I was to be absent for a week or ten days I went before a notary and made a statement of the matter and forwarded that by mail to the chairman of the committee, asking that it might be made a part of the record. I have simply to state in addition that I have not had any arrangement or understanding with anybody anywhere by which I was to either directly or indirectly receive one penny for my influence as a member of Congress in any form or in any direction from anybody, and I wish to say that if there is anybody anywhere who has suffered to any extent whatever during the time from March 30 to April 7, when Mr. Maddox had authority from me, under a misapprehension of the rulings of the Pension Department, to call up cases, that I will be glad to pay out of

my own pocket any sum that such party may have lost; although, as I say, I have never, indirectly or directly, received a penny. This completes my statement, and I should be glad to answer any questions that any gentleman on any side of the table may wish to ask me in connection with the matter.

The CHAIRMAN. I might say to the committee I received the telegram to which he referred, but I never received the letter.

The WITNESS. I have to say in reply that the affidavit was substantially although much more brief than I now state. I posted it in a lamp-post box. I don't want the chairman to think I am complaining, only I want to set myself entirely right in the matter. As I say, I would be glad indeed to answer any questions that may be asked of me in connection with the matter.

Judge PAYSON. I notice one statement in this record. The record says that Mr. Maddox came to you about the first of the month and told you he could increase his income by examining claims for attorneys?

A. He said he could occasionally make a few dollars, and I thereupon stated if it was proper and customary I had no objection whatever to his doing it.

Mr. LITTLE. You left the question to him to decide as to the propriety and custom?

A. Oh, certainly, because I knew nothing about the practice of the Department, and he did; and I had no reason to think he would do anything wrong; he told me he didn't know as there was any impropriety in it, and said that it had been done and was the custom right along without any objection on the part of the Bureau.

Mr. BROSIUS. There is one part of the testimony of Mr. Maddox given yesterday to which I desire to call your attention: "In regard to my working for a small salary, I have a letter in which he says he will increase my pay."

The WITNESS. I would like to have you read the whole thing. I am not familiar with the matter, and if you will read it all I can understand it.

By Mr. BROSIUS:

Q. I was going to direct your attention to the part of the testimony of your clerk to the effect that after this source of income ceased by suspension of this practice that he had a letter from you saying that you would increase his compensation.—A. I am sorry I have not got my letter book here and his letter. He wrote me saying that the compensation he received from me was not sufficient, and as I stated before my contract with him allowed Mr. Maddox to withdraw from the contract, and permitted me to do the same at the end of any month. I have not agreed to raise his compensation. I have had the matter under advisement. I really think he is performing more services for the money than he ought, and it is not improbable if he continues to do my work that I shall add a portion of my correspondence to his duty and increase his compensation. I have not decided to do it. In writing to me some day this week he stated that the labor performed was not sufficiently paid for, and that was the first complaint of this character I had ever heard from Mr. Maddox.

Q. The point I wanted to direct your attention to was as to whether the witness was correct when he said that you said in a letter to him you would increase his pay?—A. No, sir; I have not agreed to increase his pay. In reply to the letter as, I now remember it, I simply said I wanted no man to work for me in any capacity for too little compensation and I would give the matter careful consideration.

Q. Did you say then you would meet him at a subsequent time to consider the matter?—A. I told him if he would call upon me we could then agree upon a contract and we could make it.

Q. The witness's language is: He said: "He has appointed a time to meet me when we will talk it over and he will increase my pay."—A. I have no agreement to increase his pay, but if I continue him in my service I will do so. I propose to do so. In writing me, Mr. Maddox said he would appear before the committee as I had requested him. I told him in reply that he should come before the committee and tell all the facts in the matter, as right wronged nobody. I wish to say further that I had no knowledge of what Mr. Maddox intended to say before this committee, except that I supposed he would tell the entire truth.

By Mr. LITTLE:

Q. You had no personal interview with him after you did that; you merely telegraphed him to appear before the committee?—A. I have had no interview with him nor have I met him in any way since I telegraphed him from New York to come before this committee and tell the whole truth in regard to the matter.

Q. I understood you to say he had been in your employ ever since last December?—A. Yes, sir.

Q. And this permission which you gave him only lasted for seven days?—A. I think less; it didn't last certainly any more than from March 30 to the 7th day of April. My own impression being that it was for a shorter time than this; though Mr. Maddox said the day I gave him consent was March 30, and I am inclined to think he must be correct in that particular, and therefore I take his date rather than my own. I wish again to repeat, therefore, if my name was used at any other time it was without my consent and also without my knowledge. That is all.

TESTIMONY OF M. B. BAILEY—Recalled.

M. B. BAILEY recalled.

By Mr. ENLOE:

Q. Do you remember this order number 149 and the day it was issued? [Hands book to witness].—A. Yes, sir.

Q. I will call your attention also to order 151 and the date of that. What time elapsed between the issuance of order 149 and order 151?—A. The date of order 149 is December 24, 1889, and order 151, January 6, 1890.

Q. It was between those two dates, was it not, that the 35,000 cases were placed on the completed files?—A. I presume so. I had nothing whatever to do with the operations of order 149 until this order was issued, when he turned the whole business over to me and told me to prepare the blanks.

Q. I will call your attention to the statement you furnished the Commissioner, on pages 58, 59, in the last investigation. [Hands book to witness].—A. Yes, sir.

Q. Does that statement embrace all the cases placed on the completed files after the issuance of order 151 up to the date of the statement?—A. I see this report——

The CHAIRMAN. What date in February did it commence?

By Mr. ENLOE:

Q. The statement shows that they commenced keeping track of them February 3.—A. Yes, sir; February 3 to August 16, 1890.

Q. There was a lapse between the date you commenced to keep that record and the date of the issuance of the Order 151 of nearly a month?—A. Yes, sir.

Q. Do I understand you to say that during the lapse of that time the cases that were filed by claimants and their attorneys were placed on this record after you began to keep it and added to the total there?—A. That is my recollection of it. I have never looked over the old records since I testified at that time. I never looked into it since.

Q. From the appearance of that statement it would seem that there was no record kept of the cases from the 6th of January to the 5th of February of cases; that statement would indicate there was no record kept of cases that came in during that time?—A. My recollection is this: The slips that did come in were simply held up in the law division until the blanks could be prepared and then they did go in, but not the 35,000 cases you speak of; that was a separate matter; I had nothing to do with that at all.

By the CHAIRMAN:

Q. Do you remember Gen. Raum's testimony in your presence, that it was from three to five weeks before any cases began to come in from outside attorneys under order No. 151?—A. I don't believe I recollect his testimony as to that. Probably I was here, but I don't recollect his testimony. I went into the subject of completed files when Mr. Cooper examined me, but I haven't since.

Q. Do you remember after Order 149 was issued that there was a large portion of clerks put on the completed files under Order 149; do you remember that?—A. No, sir.

Q. Do you remember between the date of Order 149 up to the time of the issuance of Order 151 that the 35,240 cases were carried to the completed files?—A. I know nothing at all about that myself. The law division would have nothing to do with it. I remember the testimony I read about it, though.

Q. Don't you remember Gen. Raum called your attention to the fact of those numbers and you replied 35,240—he referred to you and you answered it?—A. That is probably so.

Q. That is your understanding?—A. Yes, sir; I presume I did say that, but my testimony is more particularly in regard to what was done in the law division.

Q. It was your understanding that as to the 35,240 cases, no record was kept of them?—A. No, sir; that is my understanding.

Q. So as to whose they were or what they were the record of the office does not disclose?—A. I think not. I think that question was asked at the time Mr. Raum went over this by Mr. Cooper.

By Mr. ENLOE:

Q. After you commenced to keep track of those cases you could show what cases were considered and who the attorneys were, couldn't you?—A. Yes, sir; that was the intention; but I found out after a while that the clerks who had charge of it—I found they had neglected to do that; they didn't keep any account of the different attorneys up to the time of the examination on that subject. We had a record of the different attorneys then.

Q. Up to the time of which examination?—A. The time Mr. Cooper

was asking me on this subject; I recollect preparing a statement or table and bringing it up and we were able then to show the different attorneys.

Q. That is the statement you refer to here, is it?—A. Yes, sir; that is the one. (Indicating in Book A).

Q. What sort of a blank was necessary to use in placing the cases on the completed files; was it necessary to have a blank for the applicant or attorney to use to place his case on the completed files?—A. It was not necessary in the beginning, but the difference in the applications and different forms in use finally led to the requiring of them to use a certain form for the same application. For instance, a widow's application to place her case on the completed files had to be a particular form; we would prepare the forms and send them out.

Q. Do you know what time you began to prepare those forms and require their use?—A. I can't recall; but the date of the records of the stationery division in calling for the printing will show it.

Q. Was it some time after the issuance of Order 151?—A. Yes, sir; O, yes, sir.

Q. Was it a month or two or six months, as nearly as you can recollect it?—A. I should say it was several months, but you can ascertain that absolutely by going to the records.

Q. It was not necessary, then, to delay the keeping of this record in order to have some particular form to use?—A. No, sir; we went right ahead with it as quick as we could handle the work.

Q. You stated in your former examination that a great many of them presented their request in the form of a letter; some of them would use a printed form and some a letter?—A. Yes, sir.

Q. So that could not have been any reason for delaying the keeping of this record, the necessity of using a form?—A. I think not.

Q. Do you attribute the delay, then, in making this record from the 6th of January to the 5th of February to the inadequacy of the force; or what do you attribute it to?—A. Not at all. I think that delay was caused by the attempt on the part of the adjudicating division and myself to arrive at some understanding as to how these cases should be filed and how they were to receive our letters—whether we were to take those cases and place them on the completed files or whether they would accept a stamp or a circular letter from us. That was the cause of the delay.

Q. Do you recollect anything about what was commonly referred to in the Pension Office as a blockade in the business of the Bureau?—A. No, sir; there never was any blockade in the law division.

Q. Do you remember hearing something of the kind about the adjudicating division?—A. No, sir; I never heard of it in the office. I saw something published in the papers about it. I have often heard of one division being ahead or behind, doing more work, or being swamped with work, in another part of the office, but I never saw any such thing as that until I saw it published in the paper.

Q. You never heard that talked about at the time these 35,000 cases were placed on the completed files, that it produced a blockade in the business of the office?—A. No, sir; I did not; but the law division would have nothing to do with the adjudication of claims, and we would not be blockaded if the rest of the office was in that respect. We had nothing to do with it.

Mr. ENLOE. That is all for the present, Mr. Bailey.

TESTIMONY OF A. W. FISHER.

A. W. FISHER sworn and examined.

By Mr. ENLOE:

Q. Will you state your age, residence, and occupation?—A. A. W. Fisher; age, 58; chief clerk of the Pension Office.

Q. How long have you been in that position?—A. I have been chief clerk twice—from July, 1881, to December, 1885, and then from April, 1885, to the present time.

Q. What are your duties there?—A. It is hard to tell exactly the duties usually performed by the chief clerk. He attends to the miscellaneous calls from outside people coming in to see the chief clerk or to see clerks; looks after the force of the office, distributing the orders, keeping the time, making the requisitions, and assigning the clerks to the various divisions.

Q. Do you have control of the regulations about the admission of persons to the Pension Bureau?—A. Well, I have a control. It is not the only one, because the Commissioner and deputies both issue passes. As a rule, it is under the chief clerk.

Q. Did anybody ever call your attention to the frequent visits of Mr. Latourette to the Pension Office in connection with his business as a money lender?—A. I don't remember, sir; he has never come to me that I remember of but once in the last year and a half; he came in one day and wanted to see a clerk; I have noticed him at noon occasionally in the corridors. Of course he has the privilege to come in the same as any other respectable citizen in the city at proper times. I don't know what his business is in there.

Q. Haven't you known of his loaning money to office clerks?—A. I have heard it; I don't remember of anyone telling me it, but I remember it is a sort of a general rumor.

Q. Did you ever borrow any money from him yourself?—A. No, sir.

Q. You have not had your attention called to the matter at all, then?—A. I don't remember. I have an indistinct recollection that someone told me that Mr. Latourette, his business was to do something like that. I don't remember whether he stated his business or not; I didn't know anything about it. I have seen him in the office during the last year, usually at lunch time, and I presume about pay day.

Q. Haven't you some regulation in the Pension Office about the admission of persons who are money lenders or collectors or book agents?—A. Yes, sir; not to allow them to call the clerks from their desks.

Q. That is a rule posted up there, is it?—A. Yes, sir.

Q. Has your attention ever been called to any violation of that rule by Mr. Latourette?—A. No, sir.

Q. Did you ever give him permission to go in and call up clerks to see about their indebtedness to him?—A. I gave him permission once to see a clerk; I don't know what his business was. Just one time in two years.

Q. Do you know whether it is customary in the departments generally to let persons come in and interfere with the clerks in collecting their bills and so on?—A. I think it is not the custom. There may be exceptions where the case is particularly aggravating, where the clerk has borrowed money and continually putting them off, or in some case of that kind, they might allow the creditor to see the clerk. I have

done it myself. It was in a case that I thought was particularly aggravating, some boarding woman or housekeeper who it appeared had been swindled.

Q. Wouldn't you think it the proper thing to do to exclude Mr. Latourette the privileges, if he enjoyed the privilege, of going in there and making collections from these clerks who had borrowed money from him?—A. I should think he ought to be excluded from calling clerks down to collect money from them, if that is his business. He may have other business in the office than that.

Q. Do you know anything about Mr. King, superintendent of the building?—A. I know Joseph King, and he is superintendent.

Q. Do you know whether or not your attention has ever been brought to any charge that he was interfering with the adjudication of cases in any way there?—A. No, sir; I never heard anything of the kind.

Q. Ever heard any complaints of his calling up cases or of his trying to interfere with them?—A. No, sir; not at all.

Q. Do you know whether there is any record kept in the Pension Office in any way by the different divisions of the cases that were taken up under the order of the Commissioners where there was no attorney employed in the case?—A. I don't think there was any record kept of the individual cases. I know I went over the files at one time and found there were several thousand cases that didn't have any attorneys, and they made calls in all of them and attended to them, and they went back in the files. I don't think there was any list made of them.

Q. If there had been any list kept you would have known of it? Your position is such that it would have required you to know of it?—A. No, sir; some divisions may have kept it and some not. I don't know of any order to keep a list.

Q. You don't know of any means of ascertaining those particular cases?—A. No, sir.

Q. Did you keep the records of leave of absence of employés?—A. It is kept in my room under my supervision; yes, sir. I have clerks assigned to that work.

Q. Do the records of your office show when the Commissioner is present on duty and when he is absent?—A. There is a record that shows that, but not for that purpose. The record shows when the mail is to be signed by the acting Commissioners and when the Commissioner returns the mail is signed by him; that indirectly shows the Commissioner's absence and presence.

Q. That is the official record and which shows who is signing the mail?—A. Yes, sir.

Q. I will ask you to look at this statement and see if you recognize that as the statement which you found to be correct as to what the official record shows in that respect. (Hands statement to witness).

Q. Of course I can not remember these dates, but I will look over the paper and see. (Witness examines paper.) The larger portion of this is Mr. Hallan's record.

Judge PAYSON. Does it purport to be an official statement?

Mr. ENLOE. It is an examination made by Mr. Wilcox.

By Judge PAYSON:

Q. Is it a report that you have verified or that you know anything about, Capt. Fisher?—A. I made a memorandum of his absence. I suppose it is correctly copied.

Q. Didn't you go through and make a statement in regard to that?—

A. We made a statement, but not on this form. I can not tell whether this is correctly copied, but I presume so. I can't tell the dates.

Q. Did you make that comparison with Mr. Wilcox at the time he went over the books?—A. Yes, sir; and the record he made at that time from my book is correct, and he has a record there from Mr. Hallan.

Q. He made a correct record of what your books showed in regard to who was signing the official mail?—A. Yes, sir.

Mr. ENLOE. I want to offer that in evidence.

The CHAIRMAN. Let Mr. Wilcox swear as to the number of days.

Judge PAYSON. Unless it should be necessary for us to take this up and go through and verify some of the dates that would be all right.

Q. (By Judge Payson.) That record, Mr. Fisher, would show who was signing the official mail and yet the Commissioner might be at work upon his public duties?—A. Yes, sir; there is one case of that kind one week here. He was at his office preparing his report, and he was there in and out.

Q. There are instances, and you don't know how many there may be, when the Commissioner—when somebody is signing the mail as acting commissioner and the Commissioner is engaged on some public work requiring his attention and time?—A. There is one time when Col. Lincoln was acting—about one week I think it was—in August, 1891.

The CHAIRMAN. You don't remember any other time?

A. No, sir.

By Mr. BROSIUS:

Q. Do I understand you to say there is any record to show whether he is absent in some public duty in connection with his affice?—A. No, sir.

Q. So far as the record is concerned he may have been performing some public duty?—A. Yes, sir.

Mr. ENLOE. I will ask you if that item there of 229 days is what your books will show the official record of his absence?

A. I presume it is so, yes, sir; including Sundays and all.

The CHAIRMAN. It would be correct if Mr. Wilcox transcribed it correctly?—A. Yes, sir.

Judge PAYSON. Is it correct, Mr. Wilcox?

Mr. WILCOX. Yes, sir; it is a correct copy.

Mr. BROSIUS. What time does that cover?

Mr. WILCOX. From October 19, 1889, to March 28, 1892.

The CHAIRMAN. From the time he went into office up to the time it was made?

Mr. ENLOE. From October, 19, 1889, to March 28, 1892.

Judge PAYSON. I want the paper in evidence because there may be some question about it and I will have to have it accessible.

The CHAIRMAN. All right; let it go in.

The following report and memoranda was offered in evidence:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 28, 1892.

SIR: In compliance with the verbal instructions of the committee of the 26th instant, I have the honor to submit herewith the following report of my examination of the files of the Bureau of Pensions, with the view of ascertaining the number of days Gen. Green B. Raum, the Commissioner of Pensions, has been absent from his post of duty since he took the oath of office October 19, 1889.

I append hereto two exhibits (marked A and B); the data contained in Exhibit A was obtained from the circular books in the custody of Mr. A. W. Fisher, the chief clerk of the Pension Office. These circulars are pasted in a scrapbook and are

in the nature of a notice to the chiefs of the various divisions of the Bureau, informing them of the Commissioner's absence from office, or his contemplated departure from the city, and directing that all mail matter requiring the signature of the Commissioner be prepared for the signature of the acting Commissioner. This circular was issued the day of the Commissioner's departure or absence, and upon his return to duty another circular was issued notifying them of this fact, and for the mail to be prepared accordingly. In making a basis of calculation for absence as set forth in the various items of Exhibit A, I have counted the Commissioner as absent the day and date the circular was sent out for mail to be prepared for signature of the acting Commissioner, and recognized him as present the day a circular was issued either announcing his return or for the mail to be prepared for his signature, and in nearly every instance the letter-press copy books verify my calculations as correct.

Exhibit B of this report embraces a summary of items, obtained from the official press copy books of the Pension Office in the custody of Mr. O. P. Hallam, the appointment clerk of that office; Mr. Hallam was present during my examination of these books; it will be observed on examining the totals of these two exhibits that there is a discrepancy of sixty-five days, Exhibit A showing a total absence of two hundred and twenty-nine days and Exhibit B a total absence of one hundred and sixty-four days. A large per cent of this difference was accounted for by Mr. Hallam by giving the Commissioner the benefit of being present when a circular showed him absent and the press copy book failed to show that any mail was signed at all that day.

Your attention is called particularly to item 8 of Exhibit A, in which the press copy book is entirely at variance with the circular of January 24, 1891 (see items 9, 10, and 11 of Exhibit B). Should the Commissioner offer in rebuttal this press copy book, a call should be made for the circular book and Capt. Fisher sworn as to the missing circular.

In certifying to Exhibit B, I desire to say that I will be sworn as to the contents therein contained to the extent that the books show him absent on the days and dates therein set forth, but they do not show him present in many instances where the circulars are evidence of his absence.

Very respectfully,

A. D. WILCOX,
Examiner for the Committee.

Hon. H. H. WHEELER,
Chairman Special Committee, etc.,
House of Representatives.

EXHIBIT A.

Memorandum from the official circular books of the Commissioner of Pensions, in the custody of Mr. A. W. Fisher, chief clerk of the Pension Office, which contains all the circulars notifying the various chiefs of divisions of the Commissioner's absence from time to time, in order that the official mail may be prepared for signing by the acting Commissioner of Pensions; also, the circulars notifying said chiefs of divisions of the Commissioner's return to duty, in order that the mail matter may be prepared accordingly.

	Days.
Item 1. General Green B. Raum took the oath of office as Commissioner of Pensions October 19, 1889, and signed the first official mail of that office the following Monday, October 21, 1889.	
Item 2. November 6, 1889, Commissioner absent	1
Item 3. Decem. 26, 1889, to Jan. 3, 1890, both inc., Com'r absent	9
Item 4. March 13, 1890, Commissioner absent	1
Item 5. April 26, 1890, to May 21, 1890, both inc., Commissioner absent	26
Item 6. Aug. 11, 1890, to Aug. 15, 1890, not inc., Commissioner absent	5
Item 7. October 16, 1890, to Nov. 9, 1890, both inc., Com'r absent	25
Item 8. Jan 24, 1891, to Mar. 11, 1891, Commissioner absent	45

In connection with item 8, I desire to make this statement: The circular dated Jan. 24, 1891, covers the period to February 18, 1891, when another circular states that the Commissioner will be absent on the 18 and 19 of this month (February), and there is nothing of record in this circular book to show his return to duty until March 11, 1891. It, however, appears that a circular of the chief clerk's, which should follow on the page immediately after the circular dated Jan. 24, 1891, has been torn out of, misplaced, or accidentally dropped out of the book; the tab shows that one had been pasted there. I called the chief clerk's attention to this matter. He was unable to account for the missing circular or to state whether it was a circular announcing the Commissioner's return at some intervening time.

		Days.
Item 9.	March 11, 1891, until April 19, inc., Commissioner absent	40
Item 10.	May 14, 1891, to May 17, inc., Commissioner absent	4
Item 11.	May 28, 1891, to June 4, 1891, inc., Commissioner absent	8
Item 12.	July 2, 1891, to July 21, inc., Commissioner absent	30
Item 13.	Aug. 20, 1891, to Aug. 23, inc., Commissioner absent	4
Item 14.	Aug. 24, 1891, to September 3, inc., Commissioner absent	10
Item 15.	September 30 to Oct. 18, 1891, inc., Commissioner absent	19
Item 16.	December 26 and 27, 1891, Commissioner absent	2
	Total number of days Commissioner absent, including Sundays and holidays	229

EXHIBIT B.

Memorandum from the official press copy books of the Commissioner of Pensions, in the custody of Mr. O. P. Hallam, the appointment clerk of that Bureau, relating to the absence of the Commissioner from the Bureau, from time to time, up to the present date.

Item 1: Nov. 6, 1889, mail signed by the Commissioner and Deputy Commissioner.
Item 2. December 26, 1889, mail signed by the Commissioner and the Deputy Com'r.

		Days.
Item 3.	From Dec. 27, 1889, to Jan. 3, inc., 1890, Commissioner absent	7
Item 4.	March 13, 1890, Commissioner absent	1
Item 5.	From April 28, 1890, to May 21, 1890, inc., Commissioner absent	25
Item 6.	August 11, 1890, Commissioner absent	1
Item 7.	From August 13, to August 15, 1890, inc., Commissioner absent	3
Item 8.	From October 16, 1890, to Nov. 9, 1890, inc., Commissioner absent	25
Item 9.	January 24, 1891, Commissioner absent	1
Item 10.	February 18 and 19, 1891, Commissioner absent	2
Item 11.	From Mar. 12, to April 18, 1891, inc., Commissioner absent	38
Item 12.	May 16, 1891, Commissioner absent	1
Item 13.	June 1, 1891, Commissioner absent	1
Item 14.	June 4, 1891, Commissioner absent	1
Item 15.	From July 6, 1891, to July 31, 1891, inc., Commissioner absent	26
Item 16.	From Aug. 20, to Aug. 23, 1891, inc., Commissioner absent	4
Item 17.	From Aug. 25, to September 2, 1891, inc., Commissioner absent	9
Item 18.	September 30, 1891, Commissioner absent	1
	From Oct. 2, to Oct. 12, 1891, inc., Commissioner absent	11
Item 20.	From Oct. 12, to Oct. 17, 1891, inc., Commissioner absent	6
Item 21.	Dec. 26, 1891, Commissioner absent	1
	Total number of days, Commissioner absent, including Sundays and holidays	164

TESTIMONY OF C. C. COLE.

C. C. COLE, sworn and examined.

By Mr. ENLOE:

Q. Will you state your name, age, residence, and occupation?—A. My name is Charles C. Cole; I am 50 years of age; I reside in the city of Washington, in the District of Columbia; my occupation and profession—am a lawyer, or claim to be.

Q. What official position are you holding?—A. I am attorney for the United States in and for the District of Columbia at the present time.

Q. How long have you been holding that office?—A. Since the 6th day of March, 1891. My commission is dated the 3d of March and I qualified on the 6th.

Q. Was your attention ever called by the Civil Service Commission or the Secretary of the Interior, or either of his assistants, to the proofs taken by the Civil Service Commission in relation to Green B. Raum, jr., in connection with the appointment of William P. Smith to a position *in the* Pension Office?—A. The Civil Service Commission as a commis-

sion didn't call my attention to it, but my attention was first called to it by Mr. Lyman, I think, the president of that Commission; and a few days afterwards I received a letter from the Attorney-General calling my attention to it and transmitting to me a copy of some evidence which it was said the Civil Service took in relation to that matter.

Q. Do you remember whether or not Judge Chandler ever called your attention to some persons who had alleged, or it was alleged, had received letters from Green B. Raum, jr., offering to get them appointments for the consideration of money?—A. Yes, sir; Mr. Chandler did call my attention to some names of persons in that relation. I called upon the Secretary of the Interior in relation to the matter, and the Secretary himself was not in the city, and I saw Assistant Secretary Chandler, and had a conversation with him in relation to the matter, and in that conversation he gave me the names of two or three, I am not certain which now—I looked to see if I could find them before I came away, and I didn't find them; my recollection is there were two or three names he gave me—and said in that connection he had been informed that those persons could give some information as to some offers made by Raum, jr., to secure positions if money was paid.

Q. Do you remember the names of those persons?—A. I do not; I can not recall them. I think I can find them; that is to say, I think an employé of my office has them. I can not say who they were myself, and I could not see this employé of my office before I left, after getting your subpœna, and therefore am without them at the present time, and I can not recall them. I don't remember the names now; I don't recollect names well anyway. I had nothing to call them particularly to my attention, and I don't remember; but I think I can find that, and will make an effort to do so and furnish it to you.

Q. What steps did you take to investigate the truth of the information which Judge Chandler furnished you?—A. I had a detective who belongs to the Metropolitan police force; that force is not under my control or the control of the Department of Justice, but under the control of the Commissioners of the District, through the superintendent of police, but they always furnish me a detective when I want one, and I secured the services of a detective of the Metropolitan police force and gave him the information I received from Mr. Chandler, and requested him to work the matter up, and gave him such information as I could and told him to investigate those parties and learn what he could in regard to it. I think he has those names now.

Q. Who is that detective?—A. Joseph Mattingly; he is the only one of that name on the force.

Q. What report did he make to you about it?—A. He reported to me that the parties declined to give any information; or rather not exactly that. He had talked with them and they claimed not to know anything about the matter. I think one of them claimed he didn't know young Raum at all, and the others, while they admitted that they knew him and had seen him, they denied or stated at all events that they ever had any conversation with him in relation to appointments for money or anything of that sort.

Q. Were not the allegations that they had letters, had received these propositions through the mail?—A. If Mr. Chandler gave me any such information as that, I don't remember it. I will not say he didn't, but my recollection is he said that offers had been made; he understood that offers had been made either by or through these parties through young Raum directly, or through some friend of his indirectly. Mr. Mattingly was engaged on the matter for a long time, for a month or

more, and I had probably a half a dozen interviews with him, and I don't know how many he had with the parties in relation to it.

Q. Did you have either one of these men sworn before the grand jury?—A. No, sir.

Q. Why didn't you do that?—A. I didn't think it was worth while to send the parties before the grand jury who denied having any knowledge of the matter.

Q. Might not a man deny having any knowledge and when he is put under oath before a grand jury develop some knowledge?—A. I have known that to be done. I had another reason for not doing that: Even if they had testified that Raum had offered to secure a position for them for money, I didn't know, and don't know now, any statute or any act of Congress under which an indictment could have been found.

Q. If he was occupying an official position and proposing to sell the patronage at his disposal, could you not find the authority of law for his indictment?

Judge PAYSON. Mr. Chairman, that question is an improper one, in form and substance as well.

Mr. ENLOE. I will put it, then, in order to satisfy my friend, Judge Payson, as to the correct form. I will ask you if Green B. Raum, jr., occupying the position as appointment clerk in the Pension Office and having influence in the matter of appointments, and primarily the recommendation for appointments, was found to be selling that influence or to be governed in his official actions by the influence of a bribe, couldn't you find authority of law for indicting him?—A. Well, now, I don't see how I can answer that question very well without giving you the result and conclusion of my own investigation, and I am entirely willing to do so.

Q. I am very willing that you should do it.—A. I found upon investigation, and didn't know before, when I got the Attorney-General's letter, I investigated about the manner of those appointments, and what duty, if any, devolved upon young Raum in relation to it. So far as I am able to find, and if I have overlooked anything I would be very glad for anybody to call my attention to it, there is no law anywhere charging—I think he is styled assistant chief clerk—charging that chief clerk or assistant chief clerk of the Pension Office with any duty whatever, so far as the appointment to office or recommendation for the appointment to office is concerned. There is a regulation, I think—I don't find any statute—but there is a regulation of the Interior Department, I am informed, which requires the Commissioner of Pensions or acting Commissioner to recommend for the appointment of positions in his Bureau. The whole duty, so far as I can ascertain, of the chief clerk or the assistant chief clerk of the Bureau of Pensions in relation to appointment was to file the applications and keep them on file, and the papers that were connected with it and the statute—I don't know as I could give you the section of it——

The CHAIRMAN. It does not matter.

A. (continuing). The statute, the section of the Revised Statutes that is aimed at the offense of bribery or having official influence by the use of money is aimed at the man who does the official act. That is, to illustrate, if I had the evidence or been pointed to evidence that showed or tended to show that Commissioner Raum, who was charged by a requirement of the Department, even through recommendation to office, if he had done so or offered to do so for money I should have thought that was a violation of the statute. But where a man who happens to hold a Government position, but not charged with any duty of appoint-

ment or recommendation for appointment, to offer, or say he could or would, or would try to influence an appointment for somebody who would give him something to do it for, while that act might be morally or officially bad, I don't know of any statute under which it is indictable.

Judge PAYSON. In that connection, Capt. Cole, do you remember whether or not Green B. Raum, jr., was in office at the time this matter is alleged to have occurred when it came to the hands of the Secretary?

A. I do not. When my attention was called to the fact that there were persons who said that Raum had offered to get them into office for money, why I simply went to work to find out if there was any fact of that kind which I could get hold of, and in the meantime I examined the law to see if I could indict him if it was so. So far as the investigation went I could not get hold of any fact to prove it, and in the second place I didn't find any law by which I could indict him.

By Mr. ENLOE:

Q. If you could not find any law to warrant any indictment, did that fact influence, or have any influence over your mind, or govern your action to the extent to which you should push this search for the facts?—A. No, sir; I searched——

Q. If you found there was an authority for indicting him under the state of facts alleged, would you have allowed this witness to avoid appearing before the grand jury by the simple statement made to a detective, and not in your presence?—A. No, sir; if I found a law, if I thought he would have been indictable for offering to secure a position for money, I would have sent for this witness and put him before the grand jury, and gone there myself and made an effort to get something out of him if I could.

Q. Did the Commissioner of Pensions ever speak to you about this matter?—A. No, sir.

Q. Anyone else speak to you in behalf of young Raum to try and get you to be as light as possible upon him?—A. No, sir. In that connection I want to make a full statement, and I will say that after I had investigated this matter for some time, a person who said he had never been spoken to by Raum or his family, after I had asked him if he had had any conversation with them, came to me and said—wanted to know if I had investigated the matter, and I told him I had to some extent, and he wanted to know if I had made a report to the Department of Justice, and I said I had not, and they requested me to make a report to the Department of Justice of the result of my investigation, which I declined to do, because I thought I was under no obligations, and the duties of my office didn't require me to make any report.

Q. Who was that person?—A. William B. Moses.

Q. What is his business?—A. A carpet man. His place of business is at the corner of Eleventh and F streets.

Q. Do you know whether or not he is related by marriage or otherwise to the Raum family?—A. I can't state positively, but my decided impression is he is not. If I didn't state it, I want to, that I asked Mr. Moses, when he requested me to do that, if Raum had asked him to make the request, and he said no, he had simply done it because he was a friend of young Raum.

Q. I want to ask you about the indictment against John W. Latourette. Do you know anything about any indictment pending before your department against John W. Latourette for loaning money on

pension certificates?—A. I don't recall any now, but that is not at all certain that there is not because I don't recall it. I have four assistants in my office, and the grand jury business is assigned to one of them, and he has all he can do to attend to the grand jury business. We have now over 600 cases before the grand jury, on an average of about 600 cases in a year, and between 400 and 500 indictments. Personally, I can only help try thbmore important cases, and I don't remember that my attention has been called to any indictment against John W. Latourette. I don't remember of any against him. We did have some indictments last spring, soon after I came in the office (I think they were found before I came into office), against a colored man who is in the city here, and whose name I can't recall; can not think of his name.

Q. Was it Charles A. Lemar?—A. Yes, sir; that is the one who was convicted in one or two cases, and the others are still pending.

Q. Can you account for it how it is that Charles A. Lemar, who is a colored man, arrested on the same charge as Latourette was, and on the same day that Latourette was, and both indicted, that Lemar should be convicted and Latourette not tried? Can you account for that?—A. I can't account for it, only we have not had time to try them; that is the only way I could account for it.

Q. Does the Pension Office usually call your attention to cases of that character where special examiners have arrested persons upon such charges; is it customary for the Pension officers to press for the trial of these people in the courts?

Judge PAYSON. After indictments?

Mr. ENLOE. Yes, sir.

The WITNESS. Yes, and no. As a rule I do not require to be pressed. I take them up and try them, and dispose of them in some way as soon as I can, but frequently in the press of business I have to let cases go in that way, and my attention is frequently called to those cases by the Commissioner of Pensions or by some of his subordinates who are in charge of the matters.

Q. Has anyone called your attention to the case of Latourette to your knowledge?—A. Not my attention personally; but as I said before, there are four besides myself in the office and they don't always come to me in relation to those matters. They talk to the assistants in the office quite as often in regard to those cases as to me, but so far as I know my personal attention has not been called at any time to the indictment against Latourette. I would like to state in this connection that the committee may see how we are situated down there. I don't want to put any stump speech in, but I would like to inform you how things are run down at our office. We could not try all the cases we have before one criminal court. The court is in session from the 1st of October one year to the 1st of August of the following year, sitting ten months in the year, for the trial of jury cases. But for the last ten years the grand jury on an average have found about 100 more indictments than it is possible to try. During the first year of my incumbency of this office, from the 1st of March, 1891, to the 1st of March, 1892, there were about 450 indictments found and we were able to try by jury and dispose of pleas of guilty and nolle prosses about 332 of those cases, leaving here, say, a little more than 100 cases which the grand jury indicted which we could not possibly reach or try. I give you that year as a sample of the preceding ten years, so we have now on the criminal calender down there, say, about 1,000 cases that have not been tried, simply because it is utterly impossible to try them. We

have not the judicial force to do it; nor the force in my office to do it, even if we did have the judicial force. It therefore becomes necessary for the district attorney to exercise his discretion as to what cases it is best to try and it is best to let go untried, and after we do the best we can we sometimes make mistakes; I know I make mistakes, but I do the best I can to do what is right.

Mr. DUNGAN. Do you make any distinction between cases of violation of rights and of violation of public duties?

A. Yes, sir; since I have been in the office I have tried cases like this: First, I have given homicide cases the first preference; and then cases of personal violence not resulting in death; third, the cases of serious offenses against the Government; and fourth, the cases against private property. I have classified them and try to live up to that classification as well as I can. Of course in all the classes there will be some cases which seem to be of less importance than others, and I give them the go by until I get through with those that seem to be more important.

. . . . .

By Mr. ENLOE:

Q. Do you think it is in exercising that discretion that the colored man was tried and Latourette was not, and both indicted at the same time?—A. I don't know; as I said before, if I ever heard of the Latourette indictment it has passed out of my mind.

Q. Do you remember how your attention was called to the Lemar case?—A. No, sir; I simply happened to be in court when my assistant was trying it; I think there were quite a number of indictments against the colored man Lemar, and two tried, and the others still pending.

Q. I want to know whether or not it was from any influence in the Pension Office that the colored man's case was tried and Latourette's was not?—A. My recollection is that Mr. Lipscom, who was the attorney for Lemar, and he seemed anxious that those cases should be disposed of. He came and wanted me to enter nolles in them without investigation, and I referred them to my assistant who had charge of that class of cases, and asked him for a report as to whether they should be followed up, and he thought they ought to be tried. I then directed him to try them, and I think that after two or three cases were tried Mr. Lipscom thought he had better let the cases go for a while.

Q. Do you remember anything about the indictment of Charles A. De Arnaud?—A. That name sounds familiar, but for me to undertake to say without referring to my docket, I would not be able to say whether he was indicted or not. As an excuse for my memory in relation to these names, perhaps it is well for the committee to understand that I don't prepare any of these indictments myself. It is not like some places where a prosecuting attorney prepares all the indictments. I have a man in my office who does not do anything else. I don't know what is in the indictment. I sign my name to it on faith. I don't know what is in it unless I happen to try the case.

Q. I will call your attention to this record. (Hands papers to witness and witness examines them.)—A. No, that was before my term of office; that was nearly a year before I went into office; but it appears that there was an indictment here, but whether it has ever been disposed of or what has been done with it I am unable to say. I don't want to appear to volunteer anything, but I do wish to state that inasmuch as you gentlemen drew it up, that this matter referred to me by the Attorney-General, coming from the Civil Service Commission, I did in-

vestigate that also and very thoroughly. I sent to North Carolina for witnesses, Smith and others, and investigated it as closely as I could and reached the same conclusion in regard to that that I hear that I did those of Judge Chandler—that is, while Smith and others gave evidence tending to show that Smith paid somebody for getting his position, I couldn't trace it to young Raum. I had not evidence enough to ask the grand jury to find an indictment against him, if I had found a law upon which I could indict him.

Mr. DUNGAN. Then Smith simply obtained money under false pretences?

A. No, sir; he is the man who got the appointment and paid money. He paid the money to a colored man in the Treasury Department by the name of Strachan. I could not trace that money to young Raum's hands.

Mr. LITTLE. Could you trace it beyond the colored man himself?—A. No, sir; I had some circumstances that would raise a suspicion possibly that young Raum might have had something to do with it, but nothing would be tangible evidence that a lawyer would even care to present to a grand jury.

By Mr. ENLOE:

Q. Did you look into the question of the man who impersonated Smith? I believe his name was Johnson.—A. Yes, sir.

Q. Did you look up the law in regard to false impersonation?—A. Yes, sir; I looked into the law to see if I could find any law that imposes on a Civil Service Commission where one man represented another, but I could not. At one time I thought I could under the law of a conspiracy to defraud the Government by getting him improperly on the rolls, but when I came to investigate it I found that Smith had already at that time passed the civil-service examination and marked higher than Johnson was marked, who took it for him, so he got on the rolls.

Mr. LITTLE. Is there any evidence that he passed that examination or that it was passed by somebody else in his place?

A. No, sir; I traced that clear down and found that he actually passed the civil-service examination down in North Carolina and went ahead of the mark, higher than the one Johnson took for him.

The committee adjourned until tomorrow morning at 10.30 a. m.

WASHINGTON, D. C.,
Friday, April 22, 1892.

The committee met at 10.30 a. m.

Present: The chairman (Hon. H. H. Wheeler) and Messrs. Brosius, Lind, and Little, of the committee, and Hon. B. A. Enloe and L. E. Payson.

TESTIMONY OF GEN. F. G. BUTTERFIELD.

Gen. F. G. BUTTERFIELD sworn and examined.

By Mr. ENLOE:

Q. General, will you state your name, age, residence, and occupation?—A. Franklin G. Butterfield; age, 49; official residence, Washington, D. C.; legal residence, Vermont; I am acting chief of the *special examination* division of the Bureau of Pensions.

Q. How long have you held that place?—A. I took charge of that division on the 18th day of June, 1890.

Q. Do you know who was your immediate predecessor?—A. Yes, sir; I do.

Q. Who was it?—A. Mr. Theodore Smith.

Q. Did you serve on the board of review prior to your assignment to that place?—A. I did.

Q. What State were you credited to at that time?—A. To the State of Vermont.

Q. Have you ever been credited to the State of Florida?—A. I have not, to my knowledge.

Q. You have never claimed your legal residence in Florida?—A. No, sir; you will please excuse me if I say a word here. I always lived in Vermont; served in the Army from Vermont, and am well known in Vermont, and I do not understand the question.

Q. It is a very plain question.—A. Well, perhaps it is, sir.

Q. What is your place of residence in Vermont?—A. My voting residence is Bellows Falls, town of Rockingham, Windom County.

Q. Have you resided at St. Johnsbury, or did you reside there a portion of your time?—A. I don't, and never have resided there.

Q. Never have resided there?—A. No, sir.

Q. How far do you reside from St. Johnsbury?—A. I should say Bellows Falls was 75 or 100 miles from St. Johnsbury.

Q. Have you relatives living at St. Johnsbury?—A. I have not, to my knowledge.

Q. Have you business interests there?—A. No, sir.

Q. Have you been in the habit of visiting friends to spend the summer months with them up there at St. Johnsbury?—A. I have not.

Q. When was the office of chief of the special examination division abolished?—A. I am unable to say, sir, without reference to the files of the Bureau. I could give my idea, but a man on the witness stand ought not to guess. I am willing to say I can guess it.

By the CHAIRMAN:

Q. You can approximate it?—A. I could say, then, if you would rather have me, either the latter part—I will not use the word abolished—I should say that the office of chief was discontinued either in the latter part of Gen. Black's administration or the first part of Mr. Tanner's administration.

Q. Do you know why the office of chief was abolished?—A. I don't know as it has been abolished.

Q. Why it was discontinued?—A. I will say that there seemed to be more divisions in the Bureau than chiefs allowed by law. I ought to explain that. My impression is that there were 13 divisions under Gen. Black, while the law only allowed 12 chiefs, and Maj. Butts was in charge of one of the divisions as the principal examiner, and he was made acting chief, so I think that he has been acting chief of the division ever since, commencing back in Gen. Black's administration. I want to add this that this is an impression; without consulting the files of the Bureau I could not be positive.

Q. Do you know whether or not the fact that supervising examiners were drawing more pay than the chief, whether that was done to raise the salary of the chief?—A. No, sir; I knew nothing of the division. It was a surprise to me; very unexpected. Didn't know anything about the division.

Q. Have you availed yourself of the custom to obtain your annual leave since you have been in the office?—A. Ordinarily, yes, sir.

Q. Have you been in the habit of making applications for your leave of absence since you were transferred to the special examination division?—A. No, sir; I don't think I have been in the habit because I think—I don't think I have; I don't think I have made application.

Q. You don't think you have?—A. No, sir; I don't think I have. As to that I would not be positive without referring to the record.

Q. Don't the records of the office show that you have made applications and had used your leave?—A. It ought to, sir; if it does not it is an inadvertence and my fault. My daily reports will show when I have been on leave, and if I have failed to make it it is an inadvertence that I am responsible for.

Q. I see in 1889 the record shows you took your leave of thirty days; but in 1890 it doesn't appear you took any leave?—A. I did take leave, sir. That, as I said, is probably an inadvertence.

Q. Do you remember when you took your leave in 1890?—A. I think I took about a week's leave in July and about three weeks in August; when I say in August, it might have been a part of August and part of September, at two periods; I don't remember about the exact date.

Q. The records of the Pension Office show that you took during the year thirty days' annual leave and twenty-nine days, sick leave?—A. I thought you were speaking about 1890.

Q. Yes; I spoke about 1890; but now I am speaking about 1889. You took twenty-nine days' sick leave and thirty days' leave. Were you engaged in the special examination division at that time?—A. No, sir; I was engaged in the board of rereview, I think.

Q. I have a certified copy of the record of leaves there, and I see in 1890 you are not credited with any leave, and in 1891 with three days' leave. Why did you discontinue the practice?—A. It was an inadvertence, as I said. I have already stated that; and because—well, it was an inadvertence. I think it would have been quite as well, although the reason for the inadvertence was that my record and daily report show an account for me for every day in the year.

Q. Do you remember what time you took your leave in 1890?—A. I should think I took a week in July, or thereabouts, and later, in August, two or three weeks more.

Q. Do you know whether or not you were on leave from July 16, 1890, to July 27, inclusive?—A. I would not be able to say without consulting my reports. I have furnished this committee a certified copy of my reports, and those will tell. I am willing to make statement to the correctness of those reports, but I can not carry in my mind the exact date.

Q. Did you regard it as necessary to obtain leave when you wanted to be absent from the office?—A. No, sir; but I was sometimes absent on official business, and I didn't think then it was necessary to specifically ask permission to take leave.

Q. Did you have—at this time were you sent out by the Commissioner on any special mission, or going on your own account?—A. The regulation of the Bureau provides that I can travel when I think it necessary.

Q. You didn't need to have special instructions from the head of the Bureau?—A. No, sir.

Q. You did not think it necessary to keep a record of your absence from the office further than was kept in your daily report?—A. I made a sworn return to the Bureau; I do every day, over my own signature, which is equivalent, to an honorable man, to a sworn statement.

Q. At the time you left here in July that you speak of, in 1890, were you traveling then at the expense of the Government?—A. I was.

Q. When you are off taking leave do you travel at the Government's expense?—A. No, sir.

Q. Then you were not off on leave at that time?—A. I was not while I was traveling; at a certain time during my official journeys I laid aside official duties and reported myself on leave.

Q. You took the benefit of your leave when you got in the neighborhood of where you wanted to spend the leave?—A. Yes, sir; I did, which I considered perfectly legitimate.

Q. In that way your traveling expenses were paid by the Government, whereas if you had taken your leave here you would have had to pay your own expenses?—A. Put it another way: If I had paid my own expenses I would have had to come back to Washington and started right over the same ground again if I had avoided taking advantage of the circumstances. I either would have had to pay my own expenses when traveling officially, or else make a journey of 500 miles to Washington and then go back again and pay my own expenses.

Q. You made your official business fit in with your leave, so as to avoid that trouble and expense?—A. No, sir; I made my leave fit in with my official business.

Q. You reversed the order?—A. Yes, sir.

Q. When official business took you in that neighborhood you stopped off to take the leave?—A. I did.

Q. You returned, of course, at Government expense when you returned also?—A. Oh, yes, sir. The Government takes a man into the field and brings him back. That is the maximum of official traveling, if I may be allowed to say; that is to say, the Government could not divide the expenses with me, as I understand it.

Q. Your daily reports show you were employed in New York city in July 16, 1890?—A. Yes, sir.

Q. Visiting officially special examiners. Then there is an item of $14.80, railroad fare from Washington to St. Johnsbury, Vt. What was the nature of your business at that time at St. Johnsbury, Vt.?—A. If you would read perhaps the next daily report will give the answer to you. It would show I stopped somewhere else before I went to St. Johnsbury; then I will explain the whole together.

Q. Here is a total of $16.50 expense on your daily report of July 16, 1890, the railroad ticket to St. Johnsbury charged at $14.80.—A. That is from Washington.

Q. From New York city?—A. My recollection is I started from Washington and laid out several points to visit, and the farthest point was St. Johnsbury, so I bought a ticket from Washington to St. Johnsbury; that is right; that is the fare; that is my recollection. I bought a through ticket to St. Johnsbury and then stopped at New York, and the report will show I stopped at Northampton, and I think I met some people in Philadelphia.

Q. This report shows you were employed in New York city?—A. Yes, sir.

Q. How did you make that blank cover your visit to St. Johnsbury, Vt., that statement, at New York city?—Let me see it, please. (Witness examines report.)

The WITNESS. Well now then, I bought a ticket from Washington to St. Johnsbury. I laid out my trip and bought a ticket there, and then stopped on the route to meet a special examiner on the 16th. I spent that part of the day I left Washington, I spent part of the day in New York City as you will see by the report. The next day I spent in Northampton, the next day en route.

Q. Who was there over at St. Johnsbury, Vt., you wanted to see?—

A. I had a special examiner there; my recollection is his name was Fort.

Q. Why don't you state here that was your business when you went there. I see you state you were there on July 19?—A. En route I didn't stop there. Just let me explain that please. On my way, before I reached Derby Line, before I reached St. Johnsbury I received a telegram or a letter on the train that Mr. Fort was officially out of town, in the country. I don't remember where I got that intelligence, but on the way, so I went right along.

Q. Where is Derby Line?—A. It is on the border between Vermont and Canada in New Orleans County on the extreme border line.

Q. The next day, July 19, your report shows you were sick?—A. Yes, sir; one other reason why I kept on.

Q. You reported sick on Derby Line on July 20?—A. Yes, sir.

Q. At Derby Line on the 21st you report yourself on leave?—A. Yes, sir.

Q. July 22, you report yourself on leave at Derby Line?—A. Yes, sir.

Q. July 23, you report yourself on leave at Derby Line?—A. Yes, sir.

Q. Also July 24?—A. Yes, sir.

Q. July 25, at the same place?—A. Yes, sir.

Q. July 26, en route from St. Johnsbury to Washington, D. C.?—A. Yes, sir.

Q. You paid your own fare back to St. Johnsbury, and returned at the expense of the Government from St. Johnsbury?—A. Yes, sir.

Q. July 27, still en route to Washington?—A. Yes, sir.

Q. July 28, you returned to Washington?—A. Yes, sir.

Mr. BROSIUS. Mr. Chairman, this is all going into the record, and it does not appear on the face of it what the investigation is to be. I would like to know if there is any particular point in having these recitals going into the record. Does Mr. Enloe have something in view by putting them into the record? Will they lead to something?

Mr. ENLOE. I am under the impression from what I have seen of these daily reports, that Gen. Butterfield was traveling at the expense of the Government, out on leave and making his visit to meet his vacation so he could take it at the Government's expense and didn't apply for leave at the office.

Mr. BROSIUS. I notice you were simply reciting those reports without giving any reason for it.

Mr. ENLOE. I am reciting it for his information, so he can see what the record shows and can go on and answer the questions, when I question him in regard to what he was doing out there.

The WITNESS. Let me suggest in reply to the remark that I left the office without permission without asking leave, the Commissioner was aware of all these things, and although as I have answered before it was not necessary to receive any orders from him, as I will show you from the files of the Bureau, if you desire to have me.

Q. This business that carried you to New York you say was such as to require your personal interview with the special examiner at New York, was it?—A. If you will kindly allow me, perhaps I had better give you a foundation of these visits from the record of the Bureau.

Q. You can state in substance?—A. I have in my pocket a copy of an order issued by Gen. Black on August 4, 1885, in which he specifically required supervising examiners, of which I am one, to visit special examiners.

Mr. BROSIUS. You had better produce the order.

A. Do you desire me to read it?

Mr. ENLOE. Yes, sir.

Witness reads order, which is as follows:

DEPARTMENT OF THE INTERIOR,
PENSION OFFICE, SPECIAL EXAMINERS' DIVISION,
Washington, D. C., August 4, 1885.

SIR: On and after the 21st instant, the office of supervising examiner as contemplated by the present system will be discontinued and special examiners thereafter will be under the immediate supervision of the office, receiving all orders, instructions, and so forth, direct therefrom. On and after the above date all important communications must be forwarded, addressed to the new supervisor at Washington, whose name will be communicated to you prior to the 21st instant.

The territory now embraced in the supervising district will be divided into five sections, each under the control of the supervising examiner located in this office, who in turn will be under the direct supervision of the chief of the division.

Each supervising examiner will have charge of the special examiners and work pertaining to the territory included in his section, and it will be his duty to supply the examiners assigned to his district with work, and to see that they receive from time to time proper instructions, and when necessary to visit the different localities in his district to see that the business is properly conducted and that the examiners are attending faithfully to their duties.

The examiners will give the office due notice of their respective wants, both as to work and stationery, to avoid being unemployed at any time, and they should be particular to note carefully in their daily report their post-office addresses in order that all communications forwarded may be promptly received by them.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Q. That is an order in force now in the office?—A. Yes, sir. I will certify to it if you desire me to. This order was issued when the organization of my division assumed its present form by Gen. Black; and so, now, to answer your questions about the matter in New York. You asked me if I thought it necessary to have a personal interview. At that time, under the direction of Gen. Raum, Commissioner of Pensions, I had increased the force in the field from 225 to 350, a good many new men in the field, a very large force and many men I had never seen, and I felt it my duty to visit the posts and acquaint myself with the people who were in my district, which included New York, New England, Pennsylvania, and New Jersey.

Q. How long did you stop in New York on that trip?—A. I should say several hours—perhaps three or four hours.

Q. Did you meet any special examiners there?—A. I think I met somewhere from five to seven special examiners in New York and Brooklyn, and I met them in a room at the office of the pension agent, Col. Loveland.

Judge PAYSON. By previous arrangement?

A. Yes, sir.

Q. They being advised of your coming?—A. Yes, sir; I had others from Brooklyn come over there and I thought I spent a very profitable afternoon with them.

By Mr. ENLOE:

Q. I see you left Washington here and went to New York, and left New York the next day. Did you meet them the day you went over there, or the next day?—A. I should say I met them the day I went there. I should say I went in the morning and met them in the afternoon; that is my impression.

Q. The reason you didn't stop at Northampton, you understood the special examiner was out of town?—A. No, sir; at St. Johnsbury.

Q. Did you stop at Northampton?—A. I think I did.

Q. It was at St. Johnsbury that you didn't stop because the special examiner was out of town?—A. Yes, sir.

Q. Hadn't you arranged with him previously to meet him?—A. I don't know whether I had or not. I did not always arrange to meet the men at the farthest end because I might be delayed on the way. Always find the man at his headquarters, or near, or at work, and the work there was growing small.

Q. How did you learn this special examiner was not in St. Johnsbury?—A. I think I answered that either by letter or telegram on the train.

Q. From the examiner himself?—A. No; I didn't see him at all.

Q. Was it from him?—A. I don't remember, sir; I can not remember in regard to that.

Q. Did you have any arrangement with somebody to notify you whether or not he was in the city?—A. It was not necessary; I didn't consider it necessary. I think if I missed him that afterwards I wrote him about it. You will excuse me, sir; I have a thousand of these things occurring all the time, and it is hard for me to remember specifically two years afterwards about these things, but that is my impression; I wrote him, having missed him, that I should be at Derby Line a week or so, and if he had work that he had to do up that way for him to come and see me.

Q. How did you find out before you got to St. Johnsbury that he was not there?—A. I say I can't remember, except in a general way, that I received a letter or telegram he was out of town.

Q. Did you receive that before you left Washington?—A. No, sir; after leaving New York, and on the way.

Q. Did they deliver the mail to you on the train?—A. They might have delivered mail to me at Northampton or a telegram on the way.

Q. Who should have given you the information that this man was not in St. Johnsbury if he didn't give it to you himself?—A. There are a great many ways it could have been given if I telegraphed, and I don't know whether I did or not. I am only speaking as I would do ordinarily under such circumstances. I would have telegraphed at a certain point and the operator would reply he was out of town and he could not deliver it.

Q. You think that is the way you did it?—A. There is scarcely a day passes but I get information in that way in the office here. Special examiners are well known, and if a telegram comes, instead of holding it two or three days or weeks, they reply to the sender that he was out of town. I would, of course, sign the telegram as chief.

Q. Would that reply be sent to you at the office here or on the train en route?—A. If I telegraphed on the train it is likely the reply would be handed to me on the train.

Q. Did you know this man was at St. Johnsbury when you left Washington?—A. I didn't know whether he was or not. I don't remember whether I consulted his daily reports to see whether he was there or not.

Q. Did you have charge of the movements of the examiners in the field or supervising examiners?—A. I did, under the Commissioner of Pensions.

Q. Don't you usually perform that duty in the office and have these other supervising examiners make these trips under that order which you have read there?—A. I usually try to do my traveling in my own district. I am supervising examiner of the eastern district, and am assigned to duty as acting chief also. I mean to look with especial care after my own section—that is, the eastern division; that is natural.

Q. Do you usually visit the examiners in the field, if you have any

communication to make to them, or do you send someone there?—A. I never send anyone; I visit them all that I can spare the time to do it. I may have sent someone on to visit the examiners, not to inspect the examiners. I think I never have done that. I have in one case sent a supervisor into my district in a case of suspected fraud, but his capacity was practically like a special examiner.

Q. You take these special examiners and have them do some work while they are out?—A. Not unless they are sent to inspect a case of suspected fraud; not if they were visiting their posts; they would not take any testimony then.

Q. Do you remember what business you had with the examiner at Northampton?—A. Well, no; only a general consultation as to the condition of the work.

Q. This was a ticket that you bought to St. Johnsbury that gave you the privilege of stopping over at different places?—A. Oh, yes, sir; all tickets in that part of the country you can stop over on.

Q. Who is the special examiner at Northampton?—A. N. C. Sawyer.

Q. Is that his headquarters?—A. Yes, sir.

Q. Did you say Bellows Falls?—A. Yes, sir.

Q. Did you go to Bellows Falls on this trip?—A. It is possible I stayed there overnight on my way. Let me see—I could not tell, sir, whether I did or not.

Q. Did you have any examiner at Bellows Falls to visit?—A. No, sir.

Q. I see here your report July 17 shows parlor-car fare from Northampton to Bellows Falls, and I want to know whether or not you visited that place at that time.—A. I don't know, but I should have felt at liberty to visit it. I should have felt at liberty to stay there overnight. The law would not require a man to travel at night unless he saw fit to do so, and I could not then, and can not now, see the slightest objection to my staying overnight there if I wanted to.

Q. You made this trip so as to visit points where there were railroad connections in the route to St. Johnsbury. You didn't stop anywhere longer than was necessary to make the railroad connections, did you?—A. I could have gone from Washington to St. Johnsbury without losing a minute en route. I could have made straight connection. I think I can leave here in the morning and get to St. Johnsbury in the middle of the night. I think the trains run straight through; no change of cars, except in New York.

Q. Do you remember what route you traveled when you went on this trip?—A. I went on the Pennsylvania Railroad, I think, to New York; from New York, on the New York, New Haven and Connecticut River and the Vermont Central, or Central Vermont, I don't know which; and then the Vermont Valley and Sutherland Railroad, and a little link of the Central Vermont again, then the Passumpsic Railroad. It is a straight road right up the Connecticut River Valley. (Witness explains railroad route, on railroad map, to Mr. Enloe.)

Q. General, do you say this trip was not arranged with a view to taking a visit to your home?—A. I say my leave was made to fit my official duties.

Q. When you are on leave, do you draw pay?—A. Oh, yes, sir.

Q. You were entitled to thirty days' leave?—A. Oh, yes, sir.

Q. And your pay?—A. Yes, sir; sixty days, if you are sick.

Q. If you are sick, how much?—A. Thirty days more.

Judge PAYSON. If you are sick?

A. Yes, sir; if I am sick.

Judge PAYSON. You are entitled to thirty days, sick leave in a year if you are actually sick?

A. Yes, sir. In the discretion of the Secretary, if I can show to his satisfaction I was sick, he can give me thirty days more.

By Mr. ENLOE:

Q. Did you make a trip in August to the meeting of the Grand Army of the Republic in Boston?—A. I could not answer that in that way. I will say I went to Boston and the Grand Army encampment was there. I didn't go primarily to visit the encampment; I didn't attend any of the meetings.

Q. You were out on that trip from August 9 to September 9, thirty days?—A. I don't remember; if that is what the daily report shows, that is correct.

Q. And your traveling expenses and subsistence was $139.30?—A. The subsistence would be between $60 and $70 and the traveling expenses would be the rest; that subsistence comes to me the same if I were here in Washington. I want to explain to you, it is a damage, so far as pay is concerned, to travel.

Q. Was it necessary for you to visit these same examiners again in August, after visiting them in July?—A. I had at that time a very large number of special examiners in New England, and only visited two or three on the first trip. My work was very pressing in Washington. I guess I had better make a full statement of this and then you will understand it. The reason I didn't stay the first time, I had just increased my force from 225 to 350, and I was pretty well tired out; and as the record shows, I became sick a little, and could not remain to see any more of them on account of the large pressure of business at my desk. I had seen a very small number of the special examiners, and I believed it to be a fine opportunity to meet them—all of my examiners in New England—at Boston, where the Grand Army encampment was to be held, and most of my men were Grand Army men, and by going to Boston I met practically all of my men without traveling round to their respective posts.

Q. Did you meet the larger portion of them there?—A. Yes, sir; I think so; with one or two exceptions I met them all. I probably had perhaps 25 men in New England at that time.

Q. From August 9, at the time you left Washington, to August 13, inclusive, you were visiting the examiners at New York, en route?—A. Doesn't it say Philadelphia?

Q. No, sir.—A. I think I stopped there also.

Q. The most of the time you spent in Boston?—A. Yes, sir.

Q. On August 14 you report at Boston, Concord, N. H., and St. Johnsbury, Vt., still visiting examiners?—A. Yes, sir.

Q. Did that include the list you didn't meet at Boston?—A. That was all; I think I met all but one. I think my daily reports show a short time after I took a trip at my own expense and met an examiner at Bradford, Vt.

Q. From August 16 to September 26 you report yourself on leave at Derby Line, Vt.?—A. Yes, sir.

Q. You didn't apply for that leave before you left Washington?—A. I don't think I did, because if I did it would show on the books, and you say it don't.

Q. You got back up there to the same point and stopped off and took another leave. You were glad to get back again?—A. I did; I think if you should go up there it would charm you so you would like to stop

off there. I came back to Washington the first time because I could not stay away, and I stayed there this time because, as you say, I was delighted to get back to the place.

Q. If you had asked for a leave before you left and been granted a leave you could not have traveled at Government expense?—A. No, sir; I could not very well have asked for that leave before I left because I didn't know when I wanted to go. I didn't know I could arrange my official matters so that I could enter upon leave as it is customary, and it has been the custom for a man to take his leave and make his application afterwards. It often happens, and there is no very serious objection to it. It was never objected to on the part of the special examiners at all.

Q. The office allows the special examiner to take his leave at any time he may see proper?—A. We don't allow it; I require my people, as a rule, to notify us beforehand when they are going, but if they are obliged to wait until the leave reaches here and is approved by me, by the chief clerk, and Commissioner and Secretary and so forth, they never would be sure of knowing when they could go, and so I have always told my people that if they wanted to take a leave at a certain time they could take it, but notify me by wire or letter, or both, that they proposed to enter upon leaves at such time and accompany the act by an application, and it seems to be the best way.

Q. Is it the custom of the office there to let the supervising examiners arrange trips so as to take leave at such points as they want to and return at the Government expense?—A. Not to my knowledge.

Q. You don't know where that is done except where you did it yourself?—A. I don't know of any such privilege, but if the supervisor should say to me it was necessary for him to visit his district I should say to him to go; I should defer to his judgment and raise no objection.

Mr. ENLOE. We will excuse you for to-day, here, Gen. Butterfield, and will call you when we want you again.

The WITNESS. I want to say in regard to that trip to Vermont, you evidently were going to lead up to the question why I went to St. Johnsbury the second time. I wanted to transfer Mr. Fort to, I think, to northern Michigan, and I did so later and Mr. Fort not being of the same political belief as myself I thought it would be more courteous to see him personally than to do so by a cold letter. His work in the meantime had become exhausted in the St. Johnsbury district.

Q. Do you usually show that courtesy?—A. I mean to be courteous with every man and if I differ with a man I intend to be more courteous because I do differ with him.

Q. You could not have attended to that by letter and saved the expense?—A. Very little difference in the expense; I being at Boston, it was only a matter of $2 or $3.

TESTIMONY OF MAJ. W. H. BARKER—Recalled.

Maj. W. H. BARKER, recalled.

By Mr. ENLOE:

Q. Maj. Barker, will you state to the committee whether or not, when you were chief of the record division, it was your custom to put a button-hole bouquet in your coat and strut up and down the aisle for the edification of the ladies?—A. Not to my knowledge, sir; I never wear a button-hole bouquet, but I always wear a Prince Albert coat.

Q. Did you recommend the transfer of Mr. Ford from that division?—A. I did, sir.

Q. State what your reasons were for recommending his transfer.—A. After I returned——

Judge PAYSON. Why did you recommend his transfer; can't you just state that?

Mr. ENLOE. Why did you recommend it?

A. Because I didn't think he was competent to fill the place.

Q. Did you state to the Commissioner anything about the complaint that Mrs. Wright had made to Mr. Landon, at the time you asked for his transfer?—A. I think in a conversation with Commissioner Raum, talking of the transfer of Mr. Ford, I did state to him what Mr. Landon told me. He asked me if I knew it on my own information, and I told him I did not, only what Mr. Landon had told me. I told him the lady had made complaint to Mr. Landon.

Q. Did he ask you who the lady was?—A. No, sir.

Q. Did you make that one of the reasons why you thought he should be transferred from the division?—A. Verbally to him; yes, sir.

Q. So the Commissioner didn't ask you any questions about who the lady was or didn't inquire into it?—A. He told me he would look into it at a later date.

Q. Do you know whether it was ever looked into or not?—A. I do not know. There were other matters I mentioned to him in regard to his incompetency, about his desk being loaded with papers. He hadn't spoken to Mr. Landon in three months and several other things about which I complained to Mr. Raum at that time.

Q. Did he make the transfer?—A. Not while I was chief of the division; no, sir.

Q. After you left there do you know whether or not the transfer was made?—A. I haven't been in the Pension Office but once since I resigned and have never been in the record division since I resigned.

By Judge PAYSON:

Q. Let me understand you; did you make a written recommendation for Ford's removal?—A. I did not; no, sir.

Q. Then you went to Gen. Raum and talked to him about Ford?—A. Yes, sir.

Q. And in a general way you had a talk with him about what he had done?—A. Yes, sir.

Q. There was nothing in writing?—A. No, sir.

Q. Tell us what you told him about Mrs. Wright and Ford; give us the same words.—A. I think I said that Mr. Landon had said to me that Mr. Ford had approached the lady on the street with some improper proposal and he wanted to know if I knew about it, and I told him I did not. I never talked to the lady about it, and told Mr. Landon to put her back to her desk.

Q. That is all you said?—A. Yes, sir, and that in connection with some statements in regard to Ford's incompetency.

Q. When was this?—After the November election a year ago.

Mr. ENLOE. After the November election of last year or the year before?

A. The year before.

Mr. ENLOE. That is all.

Judge PAYSON. That is all.

Mr. LITTLE. Mr. Chairman, I would like to make a suggestion here before the committee adjourns. When I came into the room this morn-

ing Gen. Bussey was making a personal explanation in regard to some charges made against him by Dugan, whose statement and evidence I didn't hear. But after I came in this morning, Mr. Palmer, the official reporter, handed me Mr. Dugan's evidence and I think there is much here that should be stricken out. I don't object to the early part of the testimony where he speaks of Mr. Bussey's bankruptcy, because Mr. Bussey has answered it; but I object to such a statement as he has made in regard as to his own conclusions and I move that it be stricken from the record.

Mr. BROSIUS. If my friend will allow me just a word here, I gave notice during the progress of that testimony and the record will show it, that I objected to the admission of that testimony and gave notice I would ask to strike it out, not only just what Mr. Little referred to but more than that.

Mr. LITTLE. I am going to make a motion anyway that the testimony be stricken out, commencing on the seventh line on the sixteenth page of the stenographer's notes and continuing to the eleventh line of the seventeenth page.

Mr. BROSIUS. I would like to state in this connection the reason I didn't make the motion at once was that my idea was to strike out a portion of this testimony from the record, and the motion should be more properly made in secret session when we come to that branch of the business. I simply gave notice at that time.

Mr. LITTLE. I simply make that motion. It should not be allowed to stand for twenty-four hours.

Mr. BROSIUS. I second the gentleman's motion. I think it should be done.

The CHAIRMAN. There being no objection, and the motion being seconded, that will be stricken from the record.

Committee adjourned until Tuesday at 10:30 p. m.

WASHINGTON, *Tuesday, April 26, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. B. Wheeler) and Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Capt. A. W. FISHER appeared before the committee and made the following statement:

Judge PAYSON. Capt. Fisher wishes to make a correction in his testimony given the other day, Mr. Chairman, and if agreeable he will take the stand now.

By Judge PAYSON:

Q. In your examination on the last day that you were here you were examined with reference to a type-written statement containing what was alleged to be the days that it was shown the mail was signed by the Acting Commissioner rather than the Commissioner himself, as testimony to show the number of days the Commissioner had been absent during his present term of service. You stated there you knew nothing about this paper itself, but presumed it had been correctly copied by Mr. Wilcox. Since that time have you prepared a statement showing the actual absences of the Commissioner, and are you ready to testify to it now?—A. Yes, sir; I have carefully prepared it and have it in my hand.

Q. Is that the paper?—A. Yes, sir; showing a total absence of 185 days.

Q. That was made under your direction?—A. Yes, sir.

Judge PAYSON. I desire this to go in evidence here.

The statement is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ——, 188—.

Transcript from order book of chief clerk, Bureau of Pensions, showing all the time, from October 19, 1889, to March 28, 1892, in which office mail was signed by the Acting Commissioner. In the periods mentioned the first date is included and the last excluded. Sundays and holidays included in the count.

	No. days.
November 6, 1889, mail of this date to be signed by Acting Commissioner	1
December 26, 1889, to January 4, 1890	8
March 13 to March 15, 1890	2
April 28 to May 22, 1890	24
August 11 to August 15, 1890	4
October 16 to November 10, 1890	25
January 24, 1891; mail of this date requiring personal signature of Commissioner should be prepared for Acting Commissioner	1
February 18 and 19, 1891	2
March 11 to April 20, 1891	40
May 14 to May 18, 1891	4
May 28 to June 5, 1891	8
July 2 to August 1, 1891	30
August 20 to September 4, 1891	15
September 30 to October 19, 1891	19
December 26 to December 28, 1891	2
Total	185

Correct transcript.

A. W. FISHER,
Chief Clerk.

Subscribed and sworn to before me this 25th day of April, 1892.
[SEAL.] SARAH S. SAMPSON,
Notary Public.

By Mr. ENLOE:

Q. Didn't you go over that book and make the comparisons with Mr. Wilcox?—A. I went over the book, he being present with a pencil and tablet, he putting the dates.

Q. Didn't you look over the memorandum made by him at the time?—A. Yes, sir.

Q. Didn't you state that was correct?—A. I stated there was one error; in some searching I found there was one error in it. On January 29, I had put down Acting Commissioner on that date. The next date it was February 18. It said Commissioner Raum will be absent to-day and to-morrow, the 18th and 19th, but we hadn't found any between the previous date and the 18th where he had come back, after the 29th. I just looked at the order without reading and saw the date Acting Commissioner. After going through we found that an order had been lost between January 29 and February 18 and 19, and the next was March 11.

Q. What year was that?—A. Eighteen hundred and ninty-one. Then Mr. Wilcox said, "I see nothing to show that the Commissioner was here from January 29 until after he came back on April 20." I said, "That can not be so, because I have two orders showing the Acting Commissioner had signed the mail on February 18 and 19, and stating that Commissioner Raum will be absent to-day and to-

morrow." Then I went and looked at the order of January 29 more carefully, which I have copied here. That was 1891. "Mail this date requiring the personal signature of the Commissioner will be prepared for Acting Commissioner." I said to Mr. Wilcox "that shows he was gone only one day—'mail this day.' All the other orders read 'until further notice.' You will notice 'further notice' is left out and it says 'of this date;'" and he didn't seem to be satisfied, and I had made a statement to him before, and tried to explain why it didn't appear when he returned before February 18, and I said to Mr. Wilcox that that statement would have to be canceled.

Q. I see Mr. Wilcox here, in referring to this list, makes this statement, and I want to call your attention to it. Mr. Wilcox says:

The Commissioner's next record of absence dates from January 24, 1891, to February 18, 1891, but a circular of the latter date states that he will be absent on the 18th and 19th of February and then there is nothing in the above record to show his return to duty until the 11th of the following March, showing an apparent absence on the record of the chief clerk's files of forty-five days, whereabouts not of record; in connection with this last item of absence I desire to say that it appears by a circular of the chief clerk in the record immediately following the page on which the memoranda, dated the 24th of January, 1891, is pasted, has either been torn out or mislaid or missing; the tab shows, however, that some circular or other matter was pasted there. I called the chief clerk's attention to this matter, but he could not account for the missing paper or its contents or whether it could have been an order announcing the Commissioner's return to duty at some intervening time.

Is that correct?—A. Yes, sir; I think so; but I have discovered in the order of January 24, it says "of this date." I had assumed that the order of January 29 read "until further notice." But when I read "for one day" it was clear to me and assured me that the Commissioner was here. On February 24 I went to the appointment room, where we have a departmental letter book, and showed him the Commissioner signed mail on the 25th, and the next day after that was Sunday.

Q. Didn't you find he did not sign any mail on February 26, during this time up to the next date of his absence?—A. I didn't search any further; I went to the appointment room and saw he signed letters on the 25th and I didn't continue my search at all further. The letters might have been written on the 27th or 28th, I don't know about that; I only know by my own record. I want to say that when I was before the committee before I had never computed the time he was absent and didn't know anything about it.

Q. You saw the figures which Mr. Wilcox made?—A. They were not made in my presence; no, sir.

Q. You stated that was a correct statement of it, didn't you?—A. I stated if that was a correct copy of what I furnished him; those were the words I used.

Q. Didn't you sign a statement to the effect that that was correct?—A. No, sir.

Q. You didn't find anything wrong about the statement except this alleged discrepancy which you refer to; when you computed this statement you didn't find any discrepancy in it in the count, did you?—A. No; I don't remember of any; I didn't find any the other day; I told you I could not remember whether it was a correct transcript or not.

Q. The Commissioner filed here somewhere a statement made by Mr. Hallam showing an absence of one hundred and thirty-five days?—A. I never saw that.

By Mr. LITTLE:

Q. I want to call your attention to the first date in March, 1890—March 15?—A. Yes, sir.

Q. Well, now, was the Commissioner here on the 13th, 14th, and 15th?—A. Each first date is included.

Q. I asked you if he was in the office on the 13th?—A. No, sir.

Q. Was he on the 15th?—A. Yes, sir.

Q. He was?—A. Yes, sir.

Q. I dont't see why you should have made it up in that form?—A. I copied that from my book and it is for no other purpose, and I was simply making a statement of when the order book was signed by the Acting Commissioner.

Q. Was it the Acting Commissioner on that last date?—A. No, sir; the Commissioner.

Q. Then I don't see how you can say that is correct?—A. That is the way my book is kept.

Q. You say on the 15th the Commissioner signed himself, yet you have it in the list and so on down?—A. The next order shows who signed the mail, the Commissioner or Acting Commissioner, the next day, "Prepare mail for signature of the Commissioner; March 13, prepare mail for Acting Commissioner; March 15, prepare mail for Commissioner."

By Mr. ENLOE:

Q. You say absent from December 26 to January 4, 1890, you make that eight days. Does your record show he signed mail on the 26th?—A. That will show he did not.

Q. Does that show he signed on January 4, 1890?—A. The mail was prepared for his signature. He might not have signed the mail of that date, though.

Q. There was an order to again prepare the mail for his signature on that date; that means he was back on the 4th?—A. Yes, sir.

Q. You leave out one day in there for the legal holiday?—A. No, sir; you will see that includes holidays and Sundays. There is one Fourth of July and one New Year's.

Q. I see Mr. Wilcox, in making this statement of the eight days, he gives the same net results you do, but refers to a holiday coming in there?—A. This includes all holidays coming in between.

Judge PAYSON. Mr. Enloe, that statement you are reading from has not been offered in evidence yet, has it?

Mr. ENLOE. No, sir; and I think there is no difference comes in after January 24, 1891.

Q. The next absence, Mr. Wilcox says, "From August 20, 1891, to August 24, absent for four days. The Commissioner signing the mail the latter date, whereabouts not of record." You don't have any record of that at all?—A. No, sir.

Q. His next date is from August 24 until September 4, an absence of nine days?—A. On August 24 the Commissioner had been away from the 20th, and on August 24 he came to the office and went by my door to his room. I sent out a circular to notify the office that he had returned and to prepare the mail for the Commissioner. In half an hour I went to his room and he said, "I am not going to take charge of the office, I am going to work on my report." I went and told Col. Lincoln to take charge of the office and destroyed the circular I had issued before.

Q. You made it commence from the 20th and run until September 24?—A. We already on the 20th put the office in charge of the Acting Commissioner. On the 24th he came back but did not take charge of the office and I canceled the order.

Judge PAYSON. But as a matter of fact he was there engaged in the preparation of his report?

A. Yes, sir; back and forth between the office and his house. That is, August 24 and September 4.

By Mr. ENLOE:

Q. I see your statement agrees with Mr. Wilcox's statement except in regard to that discrepancy there where it appears this circular was taken out of your book.—A. Yes, sir, of January 24.

Q. Why was it taken out?—A. I don't know; I don't know that it was taken out but it looks that way. The book is a scrapbook and the leaves are cut out and orders pasted in and they are sometimes put in crooked and taken out by the clerks and pasted in again. We don't pretend to keep every page.

Q. If an order is pasted in there the proper way to correct it, if it is an error, would be by another order instead of mutilating the record?—A. Yes, sir; that has never been done to my knowledge.

Q. Though it appears there that a page with something on it has been pasted in and then taken out?—A. Yes, sir; it appears so.

Q. But you don't know how that occurred?—A. No, sir. The order of January 24 in regard to the Commissioner, "Prepare the mail of this day," one day—for one day—and here is that order. Here is a copy of it:

Q. Suppose the next day there had been another order to prepare for the signature of the Commissioner from that date until some time following, that would have covered this intervening period until the next order, wouldn't it—the next order in February?—A. Yes, sir.

Q. You don't know what there was on that next page; you don't know whether that order was pasted there or not?—A. No, sir; I don't know anything about it; but the next order in February said: "Commissioner Raum will be absent to-day and to-morrow." He had been there at that time surely.

Q. Here is a discrepancy about that last order; that order there shows it was for one day, and it appears on the next page there should be some sort of an order, and it evidently has been there and taken out from there; but what that order was you don't know?—A. No, sir. This book contains circulars that I send out every day to the different chiefs of the divisions.

By Mr. DUNGAN:

Q. These are orders issued by you?—A. Yes, sir; as chief clerk.

Q. Under the suggestion of the Commissioner?—A. Some of them, and some of them my own duty.

Q. These orders in regard to mail, is that at the suggestion of the Commissioner?—A. Yes, sir.

Q. Then there is not any record of his absences except what is practically kept in the office by himself?—A. Except by what comes in by the record in regard to who is signing the mail.

Q. Is that all?—A. Yes, sir; that is all.

By Mr. ENLOE:

Q. Do you know where the Commissioner was from the 26th of December to January 4, 1890?—A. No, sir.

Q. Do you know where he was from March 15, 1890?—A. No, sir; I don't know any date where he was except one time he was in Chicago and had the grip.

Q. What date was that?—A. I could not say; I could not, and would not, attempt to say during any of his absences.

Q. Do you know whether it was the time he was absent from the 28th

of April to the 22d of May, twenty-four days, in 1890?—A. No, I can not state.

Q. Did you hear anybody say what he was doing in Chicago, or do you know what he was doing there?—A. No, sir; didn't make any inquiries.

Q. That is all you know about his whereabouts at any time he was absent from the office?—A. I never knew, except what I saw in the newspapers.

Mr. ENLOE. That is all for this witness.

TESTIMONY OF J. H. JENNINGS.

J. H. JENNINGS, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation?—A. J. H. Jennings; age, 49; residence, Washington, D. C.; clerk.

Q. What State are you from?—A. Illinois.

Q. Have you been connected with the Pension Office?—A. Yes, sir.

Q. In what capacity?—A. I was appointed in November, 1882. I was on duty in the office as a special examiner, as a reviewer in the special examination division, and in charge of a criminal desk. In 1883 I was then assigned to Pennsylvania, and was on duty there as a special examiner until the 1st day of January, 1889, when I was returned to the office. Recalled and remained in the office on duty as a special examiner and clerk, and doing duty about here up to June 30, 1891.

Q. Under what circumstances did you sever your connection with the Pension Office?—A. At the request of the Commissioner.

Q. Was there any reason why he desired your resignation?—A. I have said that I was on the permanent roll, was detailed as special examiner—there are two kinds of special examiners, those appointed annually and those detailed from the office. I think in March, 1890, I was transferred to the temporary list and on the 30th of June I was discharged, as is stated in my discharge, for the reason that my time for which I was appointed had expired.

Judge PAYSON. Have you that paper with you?

A. Yes, sir.

Judge PAYSON. Produce it, please.

Witness produces paper.

By Mr. ENLOE:

Q. Were you in the classified service?—A. Yes, sir.

Q. As clerk?—A. Yes, sir.

Q. I will ask you if it has been the practice, except in your own case, of transferring clerks from the classified service, detailing them as special examiners and dropping them on the statement made to you, that the time for which they were appointed had expired?—A. I only have knowledge of my own case.

By Mr. DUNGAN:

Q. You think it has been done before?—A. Yes, sir; I think it has been done before.

Judge PAYSON. Please confine him to his own knowledge.

Q. (By Judge Payson.) You say you have no knowledge except in your own case?—A. Yes, sir; I do say so.

Q. (By Mr. Dungan.) What do you mean by permanent roll?—A. Originally when special examiners were sent to the field they were clerks detailed by act of Congress for the purpose of investigating fraud. Under the act of 1883 there was a special provision made for special examiners, and they were first appointed at $1,600 a year and a per diem; subsequently the same list has been continued from year to year, and unless they were reappointed on the 1st day of July of each year their term expires. They are appointed for a specific period through the civil-service examination.

By Mr. ENLOE:

Q. But clerks who are in the classified service and are not what are technically termed special examiners; under a practice of the Commissioners, as in your case, you were taken from your desk and detailed as special examiner and placed in the field where you could be dropped?—A. Yes, sir; I was on duty as a clerk in the office, and assigned to the temporary list and then dropped.

Judge PAYSON. When was that done, when were you put on the temporary list? If you have the paper put that in and that will show. (Witness produces paper.)

A. March 17, 1890.

Judge PAYSON. Those two papers ought to go in as the best evidence of what they are.

Mr. BROSIUS. What are they, orders?

Judge PAYSON. Notices to him as to his official position.

The following papers were here offered in evidence:

DEPARTMENT OF THE INTERIOR,
Washington, March 17, 1890.

Jefferson H. Jennings, of Illinois, is hereby appointed a special examiner in the Pension Office at a salary of $1,400 per annum, to take effect March 25, 1890, by transfer from clerk of Class Two, vice Charles D. Shank, resigned.

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, June 22, 1891.

Mr. JEFFERSON H. JENINGS, present:

SIR: On the recommendation of the Commissioner your services as a special examiner, at $1,400, in the Pension Office, are hereby dispensed with from and after June 30, 1891, the expiration of your appointment for one year.

Respectfully,

GEO. CHANDLER,
Acting Secretary.

Through the Commissioner of Pensions.

By Mr. BROSIUS:

Q. Did I understand you to say you were at one time on the permanent roll?—A. Yes, sir; I was appointed on the permanent roll. I stated before, under the old act of Congress all special examiners were detailed, were first detailed as special examiners; I was first detailed a special examiner from a clerk.

Q. How did you get into the office?—A. I came in at my own request and went to a desk.

Q. Were you then detailed as a special examiner?—A. No, sir; I remained on duty at the desk.

Q. Until when?—A. Until I was discharged, June 30, 1891.

Q. I see, in 1890, you were appointed a special examiner?—A. Yes, sir; I was transferred to that temporary roll.

Q. You were on the desk before that?—A. Yes, sir; at the time.

Q. Were you appointed to that position at your own request?—A. At the desk?

Q. No; as a special examiner.—A. No, sir; it was against my wish. I will say in this connection that subsequently I had a conversation with Green B. Raum, jr., when I was reappointed on the 1st day of July, 1890; at the expiration of one year, I requested to be appointed on the permanent roll and he promised to do it, but I never received it.

By Mr. ENLOE:

Q. Now I see Secretary Noble, in his testimony, states as follows:

In Mr. Tanner's time there was an instance connected with these special examiners in the field whereby the effect would have been to have dropped at the end of the fiscal year a number of men who were in the field and I refused to do it; I said that that was not the way to do it, and if he had a good reason to remove them I would remove them, but I was not going to put them out on a plank and let that plank fail them on the 1st of July, and I did not do it.

A. Yes, sir.

Q. You were put on the plank and dropped in that way?—A. Yes, sir; the papers speak for themselves.

Judge PAYSON. Would it not be better to let the witness tell what was done?

Mr. ENLOE. There was no other reason assigned to you, was there, in your dismissal?

A. That is all I knew except what I have learned since.

Q. Did you hear Gen. Raum when he was on the stand here state in connection with your case that you were one of the busy men who laughed at something said about him in the newspapers and seemed to enjoy it?—A. Yes, sir.

Q. Did you ever learn before that that had anything to do with your losing your position?—A. I have said that I understood it. I can not really give my information; that one thing against me was my association with Mr. George B. Fleming, a friend of mine, although that was not alleged in the discharge.

Q. Did you ask the Commissioner for any reason for your discharge?—A. I did not.

Q. When you got your discharge you accepted it and rested on it, did you?—A. I did.

Q. Did you furnish any information to George B. Fleming about matters in the Pension Office for publication?—A. No, sir; but he was an old friend of mine.

Q. Who was that man Jennings of the same name as you in the office there, who the Commissioner testified was furnishing him information about your reading newspapers and laughing over it?—A. I would not know the man if I saw him. I don't think I ever spoke to him in my life. If I have, I don't remember it. I understand he was on duty in the southern division.

Q. Did you in that matter do anything more than other employés in the office were doing in reading the papers?—A. There was considerable excitement in the Pension Office. There were very severe attacks made on Gen. Raum, and nearly everybody was reading the papers. You could look around the office and see twenty papers being read during the lunch hour. As far as going out and buying a paper, I will state I never did. I never remember of going out and buying a paper during the time I was in the office.

Q. You didn't consider it was any breach of discipline or violation of the rules to read a newspaper?—A. Everybody did it.

Q. If the Commissioner disciplined everybody who read the attacks on him in the newspapers and on the Pension Office, he would have had to discharge a very large number of men, would he not?—A. I think he would, sir.

Q. Was there any understanding in the office that it was an unpardonable offense to read what was said about the Commissioner in the newspapers?—A. I never understood it so; never heard anything of the kind.

Q. You don't know now whether the discipline is such in the Pension Office that it would endanger the position of an employé if he read anything in the newspapers about the Commissioner?—A. No, sir; I don't know anything about the office; I have only been in it a few times since I left.

Q. What position did you hold in the office at the time the completed-files order was made?—A. I was clerk on a desk in the widow's section, middle division.

Q. Did you have anything to do with the execution of that order?—A. Yes, sir, so far as my desk is concerned only.

Q. Do you remember anything about the cases that were prepared under Order 149 preparatory to the execution of Order 151 and at the time the clerks selected some 35,000 cases there; did you notice anything in relation to those cases?—A. I don't remember about that; I may have had some of them and noticed them; I can't say, Mr. Enloe, so far as that is concerned.

Q. What was your opinion of the effect so far as your observation extended of the operation of the completed-files order? What effect did it have on the business of the office?—A. I think it really interfered with the business of the office, for the reason that many cases came in with a completed-files slip attached, cases that had been rejected probably for years, and cases that simply had the declaration filed, and a large proportion of the attorneys must have known they were not complete when they certified they were. It necessitated the examination of all those cases, to the detriment of others equally meritorious or probably more so. It consumed the time of the clerks in the examination of those cases, which the attorneys must have known were not completed cases, and I will state in that connection that the Secretary issued an order and I think the effect of the order was this, that attorneys who certified falsely should be reported and some action taken in their case; I don't know what it was. I did so in a number of cases, reported them for certifying falsely about the cases being completed.

Q. Did you know of any action being taken to disbar them?—A. No, sir; and hence I quit reporting them myself.

Q. Because you saw no attention was paid to them when you did report them?—A. Yes, sir; because it was simply taking up my time that I might be devoting to the adjudication of claims.

Q. Did you have any experience in the handling of Congressional cal. slips?—A. Yes, sir; a great many of them.

Q. What was the effect of the use of Congressional call slips on the adjudication of claims?—A. Generally speaking I think it was a detriment to the office, and while in many cases it is a benefit to the soldier, yet the cases are called up of some claimants by maybe half a dozen different Congressmen. I know in one case I wrote a letter to two Senators and three Congressmen in the same case in one week, and recently a friend of mine, a Congressman, informed me that in one case he had called up, there were some seventeen Congressional calls.

Q. In the same case?—A. Yes, sir.

Q. And that information had been furnished to that many different Congressmen?—A. Certainly; the Congressmen knew nothing about it, of course.

By Mr. BROSIUS:

Q. You mean the seventeen Congressmen filed slips for the same case?—A. Yes, sir. This claimant had written to seventeen different Congressmen to call up his case.

Mr. LITTLE. I think there were thirty calls in that case. The man wrote wholesale all over the country.

Mr. BROSIUS. There don't seem to be anybody plying you with questions, I want to ask one.

A. Yes, sir.

Q. You say it is detrimental to the office because they have to examine the case, and when they find them incomplete they have to send them back to the files, I suppose?—A. Yes, sir.

Q. If they were not examined then there would come another examination sometime in the course of regular proceedings?—A. Yes, sir.

Q. When they did come to be examined and found incomplete they went back to the files?—A. Yes, sir.

Q. Then they have got to be examined once?—A. Yes, sir.

Q. If they are examined now when they are certified by the claimant or attorney they go back to the completed file and don't have to be examined again until something is added to the case, so really it don't add anything to the labor, does it?—A. It does this, it prevents the examination of other cases not called up by the completed file slips.

Q. It prevents the examination at that time?—A. Yes, sir.

Q. But gives the right of way at some subsequent time? The case has to be examined once to designate it is not complete, and if examined now it doesn't have to be examined again, so there is only one examination, and it don't take any more time now than at any other time?—A. It takes no more time, but these completed file slips bring up the case out of its order.

By Mr. ENLOE:

Q. If the case is called up by attorney with nothing filed but the declaration, the attorney knows himself, if he is attending to his business, that that case is not ready for action, and he has not furnished any evidence?—A. He should know it.

Q. And the case ought to wait until he furnishes evidence?—A. Yes, sir.

Q. Wasn't the order of the Secretary directed at that very abuse of the completed file slips, so a man might be disbarred for doing that. Wasn't that the object of that order, as you understood it?—A. Yes, sir; but the attorneys had taken advantage of this to the detriment of the office.

Q. Suppose an attorney had at each stage of the preparation of his case called it up—suppose he filed his declaration, and then filed his completed file slips and had it called up on that, and finds out what evidence is wanted, and furnishes more evidence and then files another completed file slip and calls it up again, and calls it up at every piece of evidence that he files in the case, doesn't that require an immense amount of labor on that case which would not be required if it were not for the abuse of that slip?—A. Certainly, every time an application is filed it causes an investigation of that case and that claim.

By Mr. COOPER:

Q. I want to know if you don't understand that the certification of a case under the completed files is not the same step as putting a case on a docket in a court?—A. Yes, sir.

Q. Isn't that supposed to be a notice that the case is ready for final examination and disposition?—A. Yes, sir.

Q. The case is certified on the completed files without examination to show that it is ready?—A. Yes, sir; as I understand it, simply on a slip of the attorney.

Q. That it is complete?—A. Yes, sir.

Q. And then it goes upon this trial docket?—A. Yes, sir.

Q. And then the case that you disposed of as an examiner came to you from the completed files?—A. Yes, sir.

Q. Now, if only half the cases are certified then the office force would be giving their attention to that half of the business to the exclusion of the other half?—A. Yes, sir.

Q. If the attorneys certify that the cases are complete in order to get them on the completed files when they are not complete, then the office is at work upon cases to that extent, to the disadvantage of the other cases?—A. Yes, sir.

Q. Now, isn't that a superior advantage to a Congressional call?—A. It is equally as good.

Q. Now, don't you know that it is the fact, well ascertained in the Bureau by frequent examinations, that from 50 to 90 per cent of the cases certified on the completed files are not complete?—A. It would depend on the different desks; I remember making the estimate on my own desk; my estimate was 8 per cent complete.

Q. And 92 per cent were incomplete?—A. Yes, sir; just about.

Q. Did you ever hear of an attorney being disbarred for having certified cases to be complete when they were incomplete?—A. I never did, sir.

By Judge PAYSON:

Q. How many attorneys did you report, and who were they?—A. I could not remember them now.

Q. Give us one.—A. I don't remember the names.

Q. Whom did you report them to?—A. I reported to the chief clerk.

Q. Did you make the report verbally or in writing?—A. In writing.

Q. Give us how many different cases.—A. I will say at least a half a dozen.

Q. One criticism you make on the completed file system was that a large number of cases on the completed files were old, rejected cases?—A. Yes, sir.

Q. Don't you know that both orders 149 and 151 excluded rejected cases altogether?—A. That was very true.

Q. How did the rejected cases get in there, then?—A. For the reason that a completed file slip would come down from the law division and draw out the case.

Q. Go to the case?—A. Yes, sir.

Q. How many instances did you ever know of where old, rejected cases came up with completed file slips on?—A. I don't know.

Q. You do know it is in violation of the order?—A. Yes, sir; it is another advantage attorneys take of the order.

Q. As soon as it is discovered it goes back to the rejected files?—A. Yes, sir.

By Mr. COOPER:

Q. When you found that a completed file slip had been placed upon a rejected case was it part of your duty to inform the attorney?—A. I did; I wrote the attorney that the case was rejected.

Q. And when you reached the case placed on the completed files, a rejected case, and knew there was testimony to make it complete, was it required of you to inform them?—A. I would make a call for the evidence.

Q. So the completed file slips occasioned correspondence between you and the claimant?—A. I think there is an order now where the case is not complete the case goes back to the pending files, but that was not so when I was there.

Q. I want to know if the result of the order creating the completed files, where the attorney falsely certifies his case, was complete, does he get as a result of that the status of his case?—A. Yes, sir; while I was in the office.

By Judge PAYSON:

Q. Under the law he could have got the status then by writing for it, couldn't he?—A. It wouldn't have had the precedence that the completed file slip gives it.

By Mr. DUNGAN:

Q. He would not have gotten it as quickly?—A. No, sir.

By Mr. BROSIUS:

Q. Could he not get the status at any time by an examination of the case?—A. Yes, sir.

Q. An attorney could?—A. Yes, sir.

By Mr. COOPER:

Q. Was not the rule limited to their seeing two cases a day?—A. Of my own knowledge I don't know, but I understand it is true.

By Judge PAYSON:

Q. Unless you know it is true?—A. I don't know it, sir.

By Mr. ENLOE:

Q. Do you know in your personal files, whether any of the papers that should be on file are not in the files; have you made an examination to see?—A. I made one examination when I was reappointed as special examiner about the 1st of July, 1890. I called up my personal files and I found that the indorsement from Gen. Simon Cameron and from Congressman Bunnell and Congressman Rife, Senator Cullom and Congressman Gist——

By Mr. BROSIUS:

Q. Didn't you say Gen. Simon Cameron?—A. Yes, sir.

Q. Do you mean that?—A. Yes, sir; I mean it.

Q. When did this occur?—A. This occurred—I will show you that if you want to see it.

Q. I thought you probably made a mistake, because he has been in his grave some time.—A. This was filed before his death. I was in that district at that time, and I know all about it.

By Judge PAYSON:

Q. What about all these papers?—A. They were missing from the files. I made inquiry of Mr. Raum, jr., and he asked me when I filed them, and I told him I filed them when Mr. Tanner was Commissioner, and he

said he could not be responsible for anything of that kind, "we know nothing of it if they are not on file." I also asked what had become of the indorsements of Senator Cullom, filed quite recently. It was not in the papers, and he asked Lineaweaver, and Lineaweaver said it was in the other room, but I never saw it.

By Mr. ENLOE:

Q. Did you know what Mr. Lineaweaver meant by the other room?—A. I did not know and did not inquire.

Q. I will ask you if you were apppointed to office as a Republican?—A. Yes, sir.

By Mr. DUNGAN:

Q. And turned out as a Republican?—A. Yes, sir.

Q. Were you a soldier?—A. Yes, sir.

By Mr. LITTLE:

Q. A laughing Republican?—A. Yes, sir; a man may smile, and smile, and still be a Republican.

By Mr. BROSIUS:

Q. I believe you didn't change your politics because you were turned out?—A. No, sir; I did not.

That is all.

The committee here took a recess for thirty minutes.

AFTER RECESS.

TESTIMONY OF W. B. MOSES.

W. B. MOSES, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. William B. Moses is my full name; 58 years old; occupation, furnisher, and general house furnisher; business, corner Eleventh and F streets, NW.

Q. Mr. Moses, are you in any way related to the Raum family?—A. None whatever.

Q. Is there any intermarriage between members of your family and his?—A. None whatever.

Q. Did you ever approach the district attorney in regard to the proceedings against Green B. Raum, jr., ever speak to him about it?—A. I asked him some questions about it, I believe, shortly after he got into his trouble.

Q. At whose instance did you have that conversation with him?—A. My own, being friendly with the family.

Q. Being on friendly terms with the family?—A. Yes, sir.

Q. What are your relations with the family?—A. Nothing special, except business relations and friendly relations.

Q. Do you maintain social relations with the family?—A. I have been acquainted with Mr. Raum ever since he has been in the city, twenty years or more, between fifteen and twenty.

Q. You have been on friendly terms with him and his family?—A. I have been personally acquainted with him for that length of time and friendly with the entire family.

Q. Are you members of the same church?—A. I am not a member of any church; I attend the Methodist as much as any.

Q. Do you belong to any secret orders with Mr. Raum?—A. No, sir; none whatever; not even a club.

Q. What were you relations with Mr. Theodore Smith?—A. Friendly with his family, and have been for thirty years; knew his father during the war. He and I were intimate friends.

Q. Did you and Mr. Theodore Smith or any member of his family talk this matter over and they suggested to you to intercede in this matter?—A. No, sir.

Q. Have you been furnishing carpets and matters of that kind to the Pension Office during the time of Commissioner Raum's administration of the office?—A. Under contract bids we have.

By Mr. BROSIUS:

Q. You mean competitive bids?—A. Yes, sir; in every instance; even for a wooden stool worth 50 cents.

By Mr. ENLOE:

Q. Have you ever made any presents to the Commissioner of Pensions, either Mr. Raum or any other Commissioner?—A. Never in the world, to him or any other Commissioner. The prices we get on the goods sold to the Government don't allow it. We don't make over 1 per cent, and sometimes not that, on what we sell them.

Q. What did you say to District Attorney Cole in regard to this matter?—A. I don't think I can remember it well enough to repeat it. If you ask me any questions I may remember it.

Q. The substance of what you said to him?—A. I think I asked him if he had been indicted.

Q. Is that all?—A. I think he told me he was not or had not been. I think I asked him if there were any criminal charges against him, and he said as far as he knew there were not any. Then I asked him if he had the case in charge would he hurry up with it, as I was friendly with the family, and I understood the young man wanted to go into business, and could not start business with that hanging over him. That is about the substance of what I had to say and I think the answers he made.

Q. That he could not start business while this charge was hanging over him?—A. No, sir.

Q. What did Mr. Cole say to that?—A. He said he had nothing to do with it, about discharging the case or bringing the case up, but he might have something to do with it, and the United States attorney would have it at his disposal.

Q. Wasn't Mr. Cole, the United States attorney, here himself—district attorney here acting for the United States?—A. I mean the Attorney-General.

Q. The Attorney-General might have it at his disposal?—A. Yes, sir; I mean the Attorney-General.

Q. Did you go to see the Attorney-General about it?—A. I did not; I did not know him.

Q. Was that all you said to Mr. Cole about it?—A. I think so; I think that is all I had to say.

Q. Did you ask him to make any statement to the Attorney-General in regard to this case?—A. I think not; I think he volunteered to do what it was required of him to do to bring the matter to a close as soon as possible.

Q. Were you expecting to assist Mr. Raum in going into business?—A. No, sir.

Q. Did you and Mr. Theodore Smith talk the matter over?—A. No, sir.

Q. Never spoke on the subject?—A. I don't think Theodore Smith and I ever spoke on the subject of Raum's business.

Q. Any member of Theodore Smith's family speak to you about it?—A. No, sir.

Q. Did Raum himself speak to you about it?—A. No, sir.

Q. Green B. Raum, jr.?—A. No, sir; I never seen the Smith family and Raum together; don't know that they know each other.

Q. Did Gen. Raum speak to you about it?—A. No, sir.

Q. How did you know the young man wanted to go into business, and this was in the way?—A. I read the newspapers.

Q. Did the newspapers tell you that it was an obstacle in the way of his going into business?—A. No, sir; I understood he wanted to go into the pension business; how I found that out I don't know.

The CHAIRMAN. Into the pension business did you say?

A. Either in the pension or patent business; I don't know which.

By Mr. ENLOE:

Q. How did you get that information?—A. That I can not remember.

Q. You didn't get it from the newspapers?—A. No, sir; I don't think I did; that would not be in there; but I got it in the newspapers that he was in trouble.

Q. You couldn't have gotten that impression without somebody told you?—A. No, sir.

Q. Don't you know who told you about it?—A. I do not; I would not say positive but what young Raum did, but I can not recall it.

Q. Did you visit the Commissioner's house occasionally?—A. No, sir. Once in a while I have been there on business, but it is at least three years ago.

Q. Does the Commissioner or his family visit you socially?—A. No, sir; I am only acquainted with Mr. Raum through business.

Q. Did you furnish Mr. Raum's house?—A. We have sold him goods. I never furnished his house.

Q. He paid you for the goods he bought from you?—A. I believe there is a little small bill on my books against him, about $30, $40, or $50. That is about all he owes me.

Q. Did you sell him furniture about the same as to anybody else?—A. Yes, sir; we have but one price.

Q. You made him no presents?—A. No, sir. He never asked for one.

Q. Or no discount?—A. No discount; he never asked for one. None was ever expected.

Q. You don't know how it was you got this information that this was hanging over Mr. Raum and interfering with his going into business?—A. I can not recall how that happened. I think the young man might have asked that question.

Q. Don't you think the old man might have asked it?—A. No, sir.

Q. Why?—A. Because I don't think I conversed or talked with Commissioner Raum for several months before or since.

Q. How long has it been since you saw him?—A. I saw him to-day; passed him on the street.

Q. You saw him to-day?—A. Yes, sir.

Q. Talk anything about being summoned here?—A. No, sir.

Q. Did you talk with him or his counsel about being summoned here?—A. As I passed him I said, "You and I have got to go to the Capitol."

I think that was what I said to him as I passed him on the street. The reason I said that was I got the information up here that he was coming here.

Q. Did you have any consultation with him or Judge Payson about the matter?—A. No, sir; didn't know Judge Payson was his attorney.

Q. How is it you can remember that Mr. Raum, jr., might have spoken to you about it, but you know Mr. Raum, sr., did not speak to you about it?—A. I don't know that young Raum did.

Q. You said he might have done so?—A. Yes, sir.

Q. Why might not the Commissioner have done so?—A. I might have had perhaps some conversation with him if he asked me.

Q. You mean with young Raum?—A. Yes, sir.

Q. You mean you met him oftener?—A. No, sir; probably if he spoke to me about it he would go into details.

Q. Which do you mean, young or old Mr. Raum?—A. The old gentleman, probably he would go into details, and it would cause me to remember.

Q. If you thought it of enough importance to approach the district attorney in regard to the proceedings that were supposed to be pending before him in regard to young Raum, don't you think it is of enough importance, and it is quite remarkable that you can not remember who it was that suggested it to you?—A. No, sir; the district attorney is at my store quite often, and about the time of this newspaper report he was at my store and I asked him this question. I see the district attorney from one to three or four times a week, and have for the last ten years. He is my attorney.

Q. Are you indorser on any paper for Green B. Raum, sr.?—A. No, sir.

Q. For Green B. Raum, jr.?—A. In what way?

Q. I mean, have you acted as an accommodation indorser?—A. No, sir.

Q. Loaned them any money?—A. No, sir; they never asked me.

Q. They never asked you?—A. No, sir.

Q. Neither of them ever asked you for an indorsement or a loan of any money?—A. No, sir.

Q. Do you know of any other instance in which you have approached the district attorney about pending prosecutions in his court?—A. No, sir.

Mr. BROSIUS. Mr. Enloe, if you will allow me, you use the words "approached the district attorney?"

Mr. ENLOE. Yes, sir.

Mr. BROSIUS. That is at least an equivocal question. There is not the slightest evidence anywhere that this man approached the district attorney in anyway.

Mr. ENLOE. The district attorney said he did approach him.

Q. I will ask you if it was at your place of business where you spoke to him?—A. It was at my store—in my store—yes, sir.

Q. Was he there on business for you as your attorney?—A. He was there on business for himself, buying goods.

Q. Buying goods?—A. Yes, sir.

Q. Did you tell him then what business you understood Mr. Green B. Raum, jr., wanted to engage in?—A. I don't remember that.

Q. You don't remember who told you?—A. I don't know. I did not know whether he wanted to go in the patent business, pension business, or lawyer's business. The only thing I understood he wanted to go into business and could not while this was hanging over him.

Q. He wanted to go into business?—A. Yes, sir.

Q. Did you understand it was the mercantile business?—A. I did not understand it so.

Q. You did not know whether it was mercantile or not?—A. No, sir; I don't think it was mercantile, though; for the young man has been educated for another sphere of life; but I did not ask the question and I have not been told.

Q. How long have you been acquainted with Theodore Smith?—A. Ever since he has been in the city—about twenty years.

Q. Did you know him before that time?—A. I knew him ever since he has been in the city.

Q. Did you know him before he came here?—A. No, sir.

Q. How old is he?—A. About forty.

Q. You knew him about twenty years?—A. Yes, sir.

Q. Did you know him when he was going under the name of Ransom A. Davis?—A. I think he told me he enlisted in the war under the fictitious name in order to get in, as he enlisted when he was 16 or 17 years of age.

Q. Do you know what his name is?—A. Theodore Smith.

Q. Is that his real name?—A. Yes, sir.

Q. Did you know his family before him?—A. Yes, sir.

Q. His father?—A. Yes, sir.

Q. You did not know him until about twenty years ago?—A. Not until after the war.

Q. You knew his father before?—A. I knew his father in 1862 and 1863. He and I were neighbors in business.

Q. You knew he had a son named Theodore, did you?—A. Not until after the war.

Q. Then you were not very intimate with the family at that time?—A. I was intimate with the old gentleman, and I have been acquainted with the family ever since.

Q. Did Gen. Raum say anything to you about this matter?—A. No, sir.

Q. You have been at the Commissioner's house, have you?—A. No, sir; never been at it.

Q. Never been at his house?—A. Yes, sir.

Q. Mrs. Raum say anything to you about it?—A. No, sir; I think it is three years since I have been at their house.

Q. You are certain it was not at the request of a lady that you spoke to Mr. Cole about it?—A. I don't think it was.

Mr. ENLOE. I think that is all. I wish to make the record of this investigation as complete as possible, and I offer this document, of the investigation of the rerating of Pension Office employés ordered by the Secretary of the Interior, a report made by him under a resolution of the House, which I offered in the House.

Judge PAYSON. I have no objection.

Mr. BROSIUS. That is not legal evidence.

After hearing argument by Mr. Brosius and Mr. Enloe, the chairman says:

I think any evidence in relation to abuses in the administration which have been brought down and assented to by Gen. Raum, or connected with him by some evidence to show that he has sanctioned it or continued it, and the matter has been publicly examined heretofore and been submitted to Congress, we ought to look into it; but if they have not been connected with Gen. Raum I don't think we ought to take up any matter of that kind, and if we go into that subject at all we should

go into it *de novo* and subpœna the witnesses before us as to those cases, persons who are still there who have been illegally rerated and ask for their dismissal if the evidence warrants it, but as to this book, it is a large record and very cumbersome, and we have never seen the witnesses or anyone connected with it. It is simply multiplying a record already before the House, and I really don't think we ought to go into it.

Mr. ENLOE. I think I will show by this record that there has been a discrimination made in the discharge of parties in the office connected with the rerating.

The CHAIRMAN. I think the committee should have the opportunity to examine into those cases. Then if there is to be no objection by the members of the committee we will let it stand as I have stated.

Mr. LITTLE. I acquiesce in what you say entirely.

Mr. BROSIUS. There is no objection whatever.

TESTIMONY OF GEN. GREEN B. RAUM—Recalled.

Gen. GREEN B. RAUM, recalled.

By Mr. ENLOE:

Q. General, I desire to call your attention to an interview with the New York World of Tuesday, April 19, and ask you if you have seen that interview?—A. Yes, sir; I have seen that interview.

Q. Is that a correct report of the interview (handing paper to witness)?—A. Well, it has been sometime since I read it, it is quite a lengthy statement. If there are any particular points you wish to inquire about perhaps you had better do it in that way.

Q. Yes, sir, there are; and I have a copy here; you may keep that copy so as to refer to it. Did you make this statement attributed to you in this language in regard——

The WITNESS. What column is that in?

Q. In the first column: "Nothing done about the main charge." The reporter says, "You say you have instituted this investigation regarding the second charge against Mr. Ford. What have you done regarding the first and more important one that Mr. Ford made an improper proposal to Mrs. Wright?" Did you answer that: "I have done nothing as yet."—A. Yes, sir.

Q. Did you—"Do you intend to investigate that as well," said the reporter, and you answered, "I will let the committee look into that matter further before I take any action." Is that correct?—A. Yes, sir.

Q. Did you go on and state as follows: "The committee unearthed this whole matter; I knew nothing whatever about it until Mr. Ford came to me and told me that he understood Mrs. Wright would be put upon the stand to testify regarding the matter. Mr. Ford will go before the committee on Wednesday and make a statement in his own defense. I suppose he will do his best to clear himself. I do not know whether the committee will examine Mrs. Wright again or not." Did you make that statement?—A. Yes, sir; that is substantially so. I believe I said in my talk, I stated I couldn't be exact in the time, whether this woman called first or Ford first; my recollection is, Ford saw me as I passed out of the building on the evening before Mrs. Wright called. That is my present recollection. I think that is right. He called first and she called the next morning.

Q. Is it correctly reported there that during this time Mr. Ford came *in and* participated in the conversation?—A. Where is that?

Q. "Ford puts on a tragic air," is the next heading. Is it correctly reported that Mr. Ford came in during this conversation and made that sort of a statement, and made the statement that he would appear here and make his own defense?—A. Yes, sir; Mr. Ford came into the office while the newspaper men were there. I don't state what kind of an air he put on, that is the work of the artist. I might think differently as to that.

Q. You stated there "you would look into the matter, and if you found Mr. Ford is guilty of the charges made against him I will take his head off close to his shoulders." Did you make that statement?—A. Something like that; yes, sir. You must give a certain amount of allowance to newspaper men, when they come to write up what a man says. They had no stenographer there, not taking notes, as I observed, but this follows the conversation.

Q. It follows the run of the conversation very well?—A. Yes, sir.

Q. Did you answer this question: "Do you know of any case where an official in charge of a division has loaned money to his subordinates?" "Well, I don't know of any particular case." Did you reply to that question in that way?—A. I don't recollect as to that statement, but I may have stated it.

Q. The reporter says he interrogated you in regard to two women whose resignations had been demanded, and did you say in reply to that, "I told the committee I had requested the resignation of those two women. I got both resignations and sent them to the Secretary of the Interior. I have not heard from them since." Did you make that statement?—A. Well, substantially so; I don't know that I stated it exactly in that language. I stated the fact that I had asked for the resignations, and that I had obtained the resignations, and I stated the fact that I had informed the committee I had asked for the resignations.

Q. Did you state there "I have no power to dismiss them, I have recommended that their resignations be accepted?"—A. Well, sir, I presume so.

Q. Then the reporter said the woman is still employed in the Bureau. Did you say in reply to that "One of them is away on leave; the other I believe is there?"—A. I think I said that; yes, sir.

Q. Then the reporter remarked "the tender of their resignations and your recommendation that they be accepted have not operated to sever their connection with this Bureau." Did you reply to that and say "No, the women are still borne on the rolls?"—A. I said that; I don't remember the exact language, but that was a fact at that time.

Q. "How long will it be before you can get rid of them? You will have to see the Secretary of the Interior about that; as I have said, I have no authority to dismiss them." You made that statement, did you?—A. I probably did. That was the fact, at all events.

Q. Then the correspondent says he inquired if James Morgan had been disbarred?—A. Yes, sir.

Q. Did you make a reply that Mr. Morgan had not yet been disbarred. "A man can not be disbarred until he has been notified that charges have been preferred against him?"—A. Yes, sir.

Q. Then he asks the question, "Have no charges been preferred as the result of the testimony given before the committee," and didn't you make the reply, "I believe not, not that I am aware of?"—A. Yes, sir; I think I did.

Q. Then he said, "No steps have been taken whatever to disbar from practice before the Pension Bureau this man who confessed to having

committed perjury." Did you reply, "No; no steps have been taken yet. I can not say what will be done in the matter. I will tell you one thing, however, I have not yet finished with Congressman Cooper. I have some more important evidence, showing his improper connection with certain matters that I propose to lay before the committee." Did you make that statement?—A. Yes, sir.

The next thing, "Were you personally cognizant of the plot to injure the reputation of Congressman Cooper," and you answered, "I refer you to the testimony before the committee, and I will add that I am not yet through with Mr. Cooper." Did you state that?—A. Yes, sir; I think so.

Q. Then the next report is, "Have you any more witnesses like Morgan?" Did you reply to that, "Well, I will say this, that I don't think I have any more who are so faint-hearted as he was. He got himself all mixed up and went to pieces the first attack."—A. I don't recall I said that in that language.

Q. Did you say that in substance?—A. Yes, sir.

Q. Did you state that in this investigation, in reply to the question from the reporter, "I think I have been able to take care of myself in this matter, and I have no doubt of my ability to do so. This committee is only making political capital and everybody knows it?"—A. That is highly probable.

Q Did you state that?—A. I probably did.

Q. You ought to know.—A. I don't know as I stated it in that exact language.

Q. Did you state it in substance?—A. Something like that; yes, sir.

Q. Did you see Mr. Morgan when he came here in January to see Mr. Cooper?—A. Yes; Mr. Cooper brought him to my room and introduced me to him.

Q. Did you see him at any other time?—A. I did not.

Q. Did you see him while he was here on his last visit?—A. No, sir; I did not. I would not know him if I were to see him in this room.

Q. Did you give Mr. Greenawalt the $25 he inclosed to Mr. Cooper in this envelope?—A. No, sir.

Q. Did you instruct him to inclose $25 in a letter to Mr. Cooper?—A. I didn't.

Q. I will ask you if you did send $3?—A. Just wait; about the $25, I authorized Mr. Greenawalt to do what he thought proper in the matter.

Q. I will ask you if you had not before that sent $3 to another person out there—to Mr. Whittinghill; did you send $3 to Mr. Whittinghill?—A. Yes, sir; I did, in reply to his letter he wrote to me. He sent a letter of Ragan & Co., and I inclosed $3, requesting him to send it to them to see what would become of it.

Q. Did you send the $15 to Mr. Foot, of Kalamazoo, Mich.?—A. No, sir.

Q. Did you direct him to send it and you would be responsible for it?—A. No, sir.

Q. Was Mr. Foote the man in Kalamazoo, Mich., who corresponded with Ragan & Co.?—A. Yes, sir.

Q. Didn't you tell me here, after the committee adjourned one day, and before the committee that you sent the $15 out there?—A. I did not.

Q. That you furnished the $15?—A. There is no use of repeating that question. I state to you that I did not furnish the $15 and I never said so.

Q. What was that statement you made to me about the $15 after the committee adjourned here?—A. I don't know.

Q. Right where you are sitting now?—A. I didn't tell you I sent him any $15, because I did not do it.

Q. Who was it sent the $15?—A. Nobody that I am aware of.

Q. Whose $15 was that?—A. Not mine.

Q. Did you tell him to send it?—A. No, sir.

Q. Didn't you write to him?—A. No, sir.

Q. Didn't you tell me you wrote him?—A. No, sir; I did not state to you that I sent it to him, or have any correspondence with him.

Q. Didn't you state so to me?—A. No, sir.

Judge PAYSON. You have got a pretty flat denial of that, have you not, Mr. Enloe.

Gen. RAUM. Do you want another?

Q. You made no statement to me in regard to sending any but $3?—A. The record shows as to the $6 that was sent.

Q. Didn't you state that you sent that $15, or that you directed Foote to send it?—A. I did not.

Q. I will say that you did say so.—A. And I will say that I did not say so.

Here committee adjourned until Friday at 12 m.

WASHINGTON, D. C., *April 29, 1892.*

The committee met at 1 p. m. Present: The chairman (Hon. H. H. Wheeler), and Messrs. Dungan, Lind, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Mr. ENLOE. Mr. Chairman, at the last meeting of the committee, Capt. de Arnaud appeared before the committee and wanted to testify, and the committee requested him to submit a statement in writing, so that the committee might examine it and see if they wanted to examine him to see if the testimony was material. He has submitted a statement to the chairman, which is as follows: (Mr. Enloe here read statement of Capt. de Arnaud.) It was then decided by the committee that Capt. de Arnaud should be summoned before the committee to testify in relation to Mr. Raum's statement that he was arrested and indicted for impersonating another man, the reason of the Commissioner's action being the result of his acting as attorney for de Arnaud in a claim before Congress and de Arnaud refusing to accept $5,000 which the Senate committee allowed him.

TESTIMONY OF W. L. CROUNSE.

W. L. CROUNSE, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. Mr. Crounse, did you write up the interview published in the New York World of Tuesday, April 19, with Commissioner Raum?—A. I did; yes, sir.

Q. In that interview I find this language attributed to you as the reporter and you addressed Commissioner Raum: "Were you per-

sonally cognizant of the plot to injure the reputation of Congressman Cooper." Did you ask him that question?—A. I did.

Q. The reported answer is: "I will refer you to the testimony before the committee, and I will add that I am not yet through with Cooper." Did he make that response to you?—A. He did.

Q. Following immediately after that in the report appears this language by you to him: "Have you any more witnesses like Morgan?" Did you address that question to him?—A. Yes, sir; I asked him that.

Q. Then the report shows his reply to that question to be: "I will say this: I do not think I have any more who are so fainthearted as he was. He got all mixed up and went to pieces at the first attack." Did he make that answer?—A. Yes, sir; that is his exact language. The reason I make that statement is that it struck me as being a remarkable admission for Gen. Raum to make, under the circumstances, and I made a memorandum of the entire sentence.

By Mr. LIND:

Q. Who were present at the time this interview was had?—A. There were Gen. Raum, his private secretary, Mr. Lineaweaver, and one of my reporters. I am not certain whether the reporter of the Herald was present during that part of the interview or not; he was there during the latter part of the interview, and there were two or three other employés of the Bureau there. I think Mr. Bailey was in the room, and one or two in Mr. Bailey's vicinity. It is a large room. And Mr. Ford, who has been before the committee, was also there during a part of the conversation. I don't know whether it was during this conversation or not. I think there were present Mr. Lineaweaver and Gen. Raum, and one of my reporters and myself, and the other parties that I have named.

Q. How long was that interview?—A. Nearly two columns.

Q. Did you have a stenographer there?—A. Yes, sir; but he was not employed in this interview; he was not taking notes at the time. There were no notes taken, with the exception of this paragraph, which I wrote down at the time.

Q. In regard to the witness Morgan?—A. Yes, sir.

Q. Was this interview at the solicitation of Gen. Raum or your own seeking?—A. No, sir; the interview was procured by me. On Sunday night I received a telegram from the managing editor of the World to make a certain investigation. I sent the story in regard to the charges made by Mrs. Wright against Ford, and on Monday morning we printed the entire testimony of Mr. Ford and Mrs. Wright. We also printed an interview with Gen. Raum and one with Ford, making in all four or five columns, and I was instructed to follow the matter up and get an additional story in regard to it if I could, and I went to Gen. Raum on my own motion for the purpose of finding out if anything had been done in the matter of the charges against Mr. Ford. Mr. Ford was present part of the time, and the interview was the outcome of the questions which seemed to be pertinent at that time.

Q. Then the interview was not directed to the Cooper feature of this investigation so much as it was to the other matters that you had written up?—A. The Cooper feature of it was interjected by Mr. Raum himself. I didn't have anything to do with that; until he brought it up I did not speak of it.

Q. It was brought up incidentally?—A. Yes, sir; incidentally.

TESTIMONY OF J. C. GREENAWALT—Recalled.

J. C. GREENAWALT recalled.

By Mr. ENLOE:

Q. What became of the first letter that Mr. Morgan wrote you after he left here?—A. I do not know, sir; I think it was destroyed. The first letter?

Q. Yes, sir; the first he wrote you after he left?—A. I don't know; I destroyed one letter; I remember distinctly of destroying that, but I don't know whether it was the first or second letter I received. I received three letters from him; one I destroyed, one I mislaid, which I am unable to find, and the third one I have. I remember distinctly of destroying one of them.

Q. What was your reason for destroying it?—A. He made certain charges in that letter against certain employés of the Bureau, and I consulted with Gen. Raum and showed him the letter and we came to the conclusion that the charges did not amount to anything. And inasmuch as they implicated very high officials, I thought it best not to pay any attention to them.

Q. What reason did you have for believing the charges were false; had you investigated the matter in any way?—A. My reasons were judging of the character of one of the men and my own personal acquaintance with the other.

Q. That is not the usual way of proceeding when charges are filed against Pension Office employés, is it?—A. The charges in this letter were to this effect, that certain persons were furnishing Mr. Cooper with information.

Q. How did you know that was not true?—A. I didn't know it was not true; I did not believe it was true and consequently I destroyed the letter.

Q. Don't you investigate any charges down there unless you believe on the face of them they are true?—A. Yes, sir; quite often. It was a matter, after consulting with Gen. Raum, I came to the conclusion there was no use of investigating it, as I placed no dependence in it whatever. We already had that information from other sources, that is, of a similar character, in regard to the same men.

Q. Information against these same men, charging them the same?—A. Yes, sir; some of these same men.

Q. That they were furnishing information to Mr. Cooper?—A. Yes, sir.

Q. Don't you think if you had information from two sources it was worth investigation?—A. We had investigated it partially.

Q. Before?—A. Yes, sir; to some extent; not very much on my part, however. I inferred from Gen. Raum that he had investigated it and was thoroughly satisfied it was not true, and acting upon his conclusion as conveyed to me in that interview, I tore the letter up and threw it away.

Q. In that interview did he state anything about his visit here to Washington?—A. I think he did; yes, sir.

Q. Did he state anything about his interview and any understanding between you and him about what he should do when he went back?—A. Yes, sir.

Q. What did he say about that?—A. He stated, "You remember that when I was there I told you I had certain information in regard to em-

ployés furnishing information to Mr. Cooper which I thought the Commissioner ought to know."

By Mr. DUNGAN:

Q. This letter was before you was it?

Mr. ENLOE. He is quoting now from a letter received from Mr. Morgan.

A. Mr. Morgan came to the office on business and became acquainted with me in the chief clerk's room. Now, I want to state something right there in regard to Mr. Morgan's becoming acquainted with me. He came in there; my duties at that time in the chief clerk's room was to receive anyone wanting information, and he came in and stated who he was. I did not know him; had never seen him before. He said, "I have been trying to have some of my claims called up and don't know how to go about it." I asked him where he was from and where his cases would be from, and he said from Indiana. I said, "You want to go into Col. Lincoln's room," and I took him into Col. Lincoln's room and introduced him to him and to Mr. Compton, and Mr. Compton said, "We are very much crowded in here; you take him into your room and show him how to make out the slips for the cases he wants to call up. I did so and he went back into Mr. Lincoln's room and I don't know whether I saw him that day or not, but either that day or the next day he came in and said he got his matter under way, and thanked me for putting him on the right track.

Q. He got your name and address?—A. Yes, sir; when he went home he wrote me this letter.

Q. Did he say anything about any interview between him and Gen. Raum while he was here?—A. No, sir.

Q. Did not mention that at all?—A. No, sir. I would like to characterize that as the first letter. In the first letter he did not.

Q. What was the date of that letter which you speak of as having been mislaid?—A. I should say it was about the 15th or 17th or it might possibly even be the 20th of January.

Q. What was the nature of that letter?—A. In that letter he wrote me and stated his attention had been called to an interview printed in the Chicago Herald, reported to have been with Mr. Cooper, in which Mr. Cooper had stated that he had taken Mr. Morgan in and introduced him to the Commissioner, and stated in that same conversation that the Commissioner received him graciously and all that sort of thing. In that letter he said, "I am afraid I made a mistake in going there at the time; I am afraid I will be injured by going there with Mr. Cooper, because Cooper and Raum are not on good terms," and he asked me whether his business had been embarrassed in anyway on account of his having come there with Mr. Cooper, and I think Gen. Raum responded to that letter himself. That is my present impression, that he did. I showed the letter to him and I think he replied to it. I know I did not.

Q. Did you have any conversation with Gen. Raum or did he make any statement to you at any time about this man's visit here, showing that he came here at the instance of the Commissioner?—A. No, sir.

Q. Did you get any such information from Mr. Morgan, either in correspondence or conversation with him, that he came here at the instance of the office for the purpose of looking after this matter?—A. No, sir; I never had any communication by word or letter or anyway whatever until early in January, when he came into the chief clerk's room.

Q. You don't know of any correspondence between him and the Commissioner prior to that time?—A. No, sir; I do not.

Q. Did Mr. Morgan write you a letter after he sent the $25 to Mr. Cooper that it was returned to him? Did he write you a letter stating what had been the result of his sending the $25?—A. I don't remember that he did.

Q. He testified here under oath that he wrote you a letter at the time stating Mr. Cooper had returned the money and would not accept it. Do you remember any such letter?—A. I think perhaps he did; yes, sir.

Q. What has become of that letter?—A. I don't know. I don't know whether it is among the papers or not. There are some papers down in the bureau yet that I have not brought up here.

Q. Did he return the money to you later?—A. Who?

Q. Morgan; did he return the $25 to you in that letter?—A. Mr. Morgan never sent me any $25.

Q. Never sent the $25 to you?—A. No, sir.

Q. Did you furnish the $25 to Mr. Morgan for the purpose of having this money sent to Mr. Cooper?—A. Just at this point I want to read a little statement in the New York World. [Witness reads:]

Congressman Cooper is advising with counsel as to the advisability of prosecuting Raum, Morgan, and Greenawalt for conspiracy. He believes he can secure a conviction of all three of them under the Indiana laws.

If Mr. Cooper is going to institute any proceedings in court I will stop right there.

Mr. COOPER. I will say to the gentleman, so that he may testify truthfully about this matter while he is before this committee, that I will release him in my action. I want the truth more than anything else.

Mr. ENLOE. If the witness wants to put himself on the ground that he is afraid to answer because he is afraid his answer might involve him in criminal prosecution, he of course need not answer the question.

The CHAIRMAN. Anyway, to make it privileged it must be on the ground that you are afraid it might be used against you.

Mr. LIND. It is privileged anyway.

WITNESS. I have stated the grounds here why I decline to answer that question. I have stated the fact which appears in a paper and purports to come from Mr. Cooper and I presume he will not deny it.

Mr. ENLOE. I want the committee to settle this question now, that the witness must put it on the ground that he is afraid his answer might subject him to criminal prosecution or indictment or else he can not make it privileged, because what he was doing he was doing as an officer of the Pension Bureau.

Mr. DUNGAN. Without any personal motive.

Mr. ENLOE. Yes, sir.

The CHAIRMAN. So far as the committee is concerned I don't suppose anybody wants to put the witness in any place he does not want to be put in. He is entitled to all the constitutional rights given him, and if he wants to put himself under that defense, he may do so. The real question is while acting in an official capacity at Bloomington whether you furnished, either for yourself on your own motion or for the Commissioner at his dictation or suggestion, the sum of $25 to be sent to Mr. Cooper in connection with that case?

A. I will state in reply to that question that when I went out to make this investigation I went as a subordinate in the Pension Office, to do whatever I might think necessary in order to elicit everything connected with this transaction, the transaction of these parties who had been calling up these cases, and that I did what I believed to be right in the matter.

The CHAIRMAN. Having stated that much do you still object to saying in regard to the $25?

A. I object to making any further answer than that.

Mr. LITTLE. Can not he state why?

A. I was not directed by anyone directly to do anything of that kind.

By Mr. ENLOE:

Q. You understood your instructions were broad enough to cover that?—A. Yes, sir.

Q. You knew also that the Commissioner had sent the $3 to Whittinghill?—A. Yes, sir.

Q. Do you know whether he had sent any money to Mr. Foote, at Kalamazoo, Mich.?—A. I had good reason to believe he had not sent any money to him.

Q. Did you know who did send any or if any was sent from the Pension Office?—A. I know of no money being sent from the Pension Office. When I went out into the field to make this investigation I had some other duties to do in connection with my own official capacity in the office as a supervising examiner. I had an examiner at Kalamazoo whom I wanted to see and talk with about the arrangement and division of his work. I went to Kalamazoo, and while there met Mr. Foote. I told him about these transactions. I had known him before. We talked the matter over, and I said I would like to get one or two soldiers to send some money to Reagan and see what would come out of it. At that time the only information we had was the Whittinghill letter. Mr. Foote, after some talk, said: "I will write to them and have them call up some of my cases;" and he dictated a letter to the firm stating that he had been told what their opportunies were, and asked them what they would charge for calling up some of his cases. Before that reply was received I left there, and I only know what followed from his report.

Q. You don't know whether that examiner there or anybody else in the Pension Office sent the $15?—A. I only know what he states. No, sir; I don't know whether anyone furnished Mr. Foote any money or not.

Q. You don't know whether they did or not?—A. No, sir.

Q. You place your refusal to answer this question on the ground that I stated awhile ago, on the constitutional rights to protect yourself from criminal prosecution or indictment, if you should be subject to such on account of your actions in this matter. If you want to make it a privileged matter you will have to place it upon that ground?—A. I don't hardly know what to say for myself here.

The CHAIRMAN. So far as I am concerned, and I presume it is the same with the committee, we don't care to follow this matter any farther than to ascertain if you were acting in good faith?

A. Yes, sir; I went out there as a subordinate, and I acted in good faith, and I had instructions to do what I thought was necessary, and I did so.

Q. If you will state to the committee the entire facts that will end it, but I do not care to press you. If you will let me explain a little farther, so my position will be fully understood—being a subordinate, his position is somewhat delicate and important, and if he acted in good faith, instead of being misused for it, he should be upheld so far as our investigation is concerned. Our inquiries should only go to such an extent to ascertain that fact. He states he was acting in such a position

as a subordinate and his instructions were such as authorized him to exercise his discretion. Now I state to him if he tells the whole truth about this matter I don't think it would injure him so far as any prosecution is concerned. (To the witness:) I don't think it would injure you to state it, and I do not state this to embarrass you in any way.—A. Well, I will state now; I have thought the matter over. In order to relieve others from any possible embarrassment in this matter, I will state that upon receiving this letter from Mr. Morgan, in which he charged Mr. Cooper had stated in his presence that Mr. Hersey would attend to anything worth paying for, upon his presenting me the letter in which he had sent the twenty-five cases, and made the statement that he was willing to pay anything it was worth for this information, that when I went out there on the 22d of February I saw this correspondent and he stated he had received responses in fifteen cases—I think it was fifteen or seventeen——

The CHAIRMAN. Was it not ten.

A. Perhaps it was ten. I think perhaps it was. I asked him whether he had sent any money to pay for them. He said, no. Hersey indicated in one of his letters which he wrote him that he wanted pay for what he had sent him before he would forward the others, and I said, "Why not send him the entire $25."

Mr. COOPER. Was this in writing?

A. This was a talk between us, and I said, "Why not send him $25; send $25 for the entire cases at once." He agreed, and I don't know whether he made any excuse in regard to the money or not; I think he said something about not having the money, and I furnished him the money myself.

By Mr. ENLOE:

Q. You went with him to the post-office and attended to the manual part of the work?—A. I went with him to the post-office and saw him register the letter, yes, sir; that part of it I saw. I saw him register the letter.

Q. He testified here you went to the post-office together and you did the work and he stood by?—A. I think you will find in the correspondence, you will find in the report, you will see his letter written in his own handwriting.

Q. He wrote that letter at your instance?—A. He possibly might have done that. I don't know anything about that.

Q. Did you understand when you furnished that $25 that you would lose that?—A. No, sir.

Q. How did you understand you would get it back again?—A. My instructions, as I said before, from Gen. Raum, were if I incurred any expense outside of Government transactions that he would reimburse me; he would see that I did not suffer any pecuniary loss.

Q. Did you understand from that that Gen. Raum would, out of his individual funds, pay you the $25 back?—A. I understood he would manage it in some way so I would get my pay.

Q. You didn't understand he was going to pay you out of the public funds?—A. I was very well satisfied it could not be paid out of public funds.

Q. Did you get the $25 back?—A. No, sir.

Q. Have you not got it yet?—A. No, sir.

Q. Has Morgan got it?—A. Mr. Morgan says Mr. Cooper returned it to him.

Q. Didn't Morgan return it to the office?—A. No, sir; not to me.

Q. Then Morgan is $25 ahead and you are $25 out?—A. I think Mr. Hersey is out the $25.

By Mr. COOPER:

Q. You stated he didn't return it to you?—A. Yes, sir.

Q. Do you know whether it was returned to anyone here?—A. I have no knowledge whatever that it was returned here.

Q. Have you been told that?—A. No, sir.

Q. Have you any knowledge of what became of the $25?—A. No, sir; and as a proof of that I will say I just asked Mr. Hersey if he received it.

Q. What did he tell you?—A. He told me he had not.

By Mr. ENLOE:

Q. You consider Gen. Raum is in debt to you $25?—A. I don't think I should make any reply to that question.

Q. It is a very proper question, but it does not make any difference whether you answer it or not.

By Mr. LIND:

Q. When you left Washington to go out to see Mr. Morgan in pursuance of his previous correspondence, was there anything said between you and Commissioner Raum as to the details of your work, whether you should pay Morgan money or not?—A. No, sir; my instructions were general; I should do whatever I thought was necessary.

Q. Necessary for what purpose?—A. To draw these parties out, to find out what they were doing, their manners, their methods and how they were obtaining this information from the records of the Bureau.

Q. Did you at that time—at the time of turning the money over to Morgan—believe that Mr. Cooper was engaged in an illicit method of getting information?—A. I can't say I did. The letters that Mr. Morgan showed me would indicate that Mr. Cooper must have had knowledge because Mr. Cooper—— Mr. Hersey responded and sent him the status of cases which he had inclosed to Mr. Cooper in a letter in which Mr. Morgan had said he was willing to pay for it.

Q. Did it raise a question in your mind as to whether Mr. Cooper was acting properly in it or not? Did you have a suspicion?—A. Yes, sir; I did. I could not help otherwise but think that he must know it was going on from the character of that letter.

Q. And it was with a view of finding out definitely and getting the evidence of that fact that you did these things you have testified to?—A. Yes, sir.

Q. Did you have any ill feeling or malice toward Mr. Cooper?—A. None in the world. I did not know him and did not have any feeling against him.

Q. Had it been suggested to you to do anything that would entrap him in any compromising situation as a Congressman?—A. No, sir.

By Mr. LITTLE:

Q. I would like to get back to the letter which you received from Mr. Morgan and destroyed. Which letter was it, the first or second letter received?—A. It was the first letter.

Q. In that letter he made certain charges against Mr. Cooper and against certain parties in the office who, he alleged, were giving information?—A. Yes, sir.

Q. You destroyed the letter because it alleged these parties in the office in whom you had confidence were giving out the information?—A. Yes, sir.

Q. You did not believe his statement in regard to that?—A. No, sir.

Q. Did not that fact throw some doubt on the evidence he was giving in regard to Mr. Cooper, also?—A. No, sir; I thought he made that statement in good faith.

Q. Didn't you think he made the other statement in good faith?—A. Yes, sir. I acted in good faith on the belief at that time.

Q. Why did you draw the line between the charges? You say you thought he acted in good faith regarding each of these charges?—A. Yes, sir.

Q. And yet in one case you throw aside the evidence, and in the other take up the evidence and pursue that in regard to another man?—A. Yes, sir; I will explain that to you altogether. We already had information in regard to these same parties, and consequently for that reason I thought Mr. Morgan acted in good faith. We had information in regard to three of the same parties before Mr. Morgan wrote to me at all.

Q. His charges did not add any additional weight to your mind in regard to that?—A. No, sir.

Q. Why did his charges against another person add any weight?—A. If Mr. Morgan had been the only party who furnished the information I think I would have followed it up just the same; but as I had this information before and had consulted with Gen. Raum I thought it was not necessary to follow that up.

Q. It was sufficient to put you on your guard in regard to the other evidence?—A. I don't think you are doing either Mr. Morgan or myself justice. Mr. Morgan was telling what he believed to be true; but I had already got that information from another source. That is the reason I destroyed the letter, because there was no need to pay any attention to it.

Q. Was not that fact enough to throw some doubt upon the evidence that he was furnishing in the other case?—A. Not at all, sir; I think I made my position strong in that respect.

Q. If you are satisfied with it I am.—A. I am clearly so.

By Mr. ENLOE:

Q. Didn't you have evidence enough in the possession of the Commissioner, before you took that trip out there to see Mr. Morgan, to convict Mr. Hersey?—A. No, sir.

Q. Didn't you have the evidence of Whittinghill & Co. and from Mr. Foote?—A. No, sir; we did not have that evidence.

Q. Didn't you have the Whittinghill letter just before you went there?—A. Yes, sir; I had that letter before I went out there.

Q. Didn't that connect Mr. Hersey?—A. That is a matter that Gen. Raum had better say.

Q. Didn't you have that letter that $3 had been sent, and Mr. Hersey had been connected with it?—A. I say Gen. Raum ordered me to do some duty, and I did it.

Q. You are not undertaking to enter upon a defense of Gen. Raum, are you?—A. No, sir.

Q. I ask you to testify simply as to facts. Was it not a fact that you had that Whittinghill letter there and you could trace this matter to Hersey before you went to see Morgan?—A. Yes, sir.

Q. When you went out to investigate this matter you had a commission from Gen. Raum which you thought was broad enough to justify you in paying the $25 and having it sent with the view of finding out if Mr. Cooper was connected with it?—A. Yes, sir; in order to find out who was connected with it.

Q. You were informed that Mr. Cooper was the man?—A. Yes, sir in Mr. Morgan's letter.

Q. You thought that from the conversation and from the letter?—A. No, sir; not any conversation.

Q. He didn't state that in the conversation as to what Cooper said to Hersey in regard to his having anything worth paying for?—A. No, sir; that is prior to the writing of these letters.

Q. These letters gave you that information?—A. Yes, sir.

Q. You knew when you went out there if Mr. Morgan was telling you the truth, and if you caught any one you would catch Cooper in connection with Hersey?—A. Yes, sir; if Mr. Morgan was telling the truth.

Q. And that was the reason you sent the money in that way?—A. You are framing the question in the same way. I don't want to be trapped into any admission here that I have already answered in one way.

Mr. ENLOE. Mr. Palmer, please read the question.

[Question read by reporter.]

A. Yes, sir; to ascertain all about it.

Q. Do you think you can produce that last letter in which he refers to the $25?—A. I can't tell you without referring to the files.

Q. Ought that not to be in the official files?—A. No, sir; it would be on my personal files, among my personal letters; it would be in my desk I think.

Q. Will you look and see if you can find it?—A. Yes, sir.

Q. And furnish it to the committee?—A. Yes, sir. I will see if I can find it. I will say, however, that Mr. Morgan wrote me such a letter advising me that Mr. Cooper had returned the money after consulting with Mr. Hersey.

By Mr. COOPER:

Q. Now, Mr. Greenawalt, were not the letters written by you to Mr. Morgan written in the discharge of what you considered to be your duty as special examiner under pay of the Government?—A. Letters written to Mr. Morgan?

Q. Yes, sir.—A. What letters do you refer to?

Q. I refer to the whole correspondence between Mr. Morgan and you.—A. I had but very little correspondence with him.

Q. You can answer it yes or no, can't you? Were you not conducting that correspondence with him as an officer of the Government?—A. Yes, sir; under Gen. Raum's direction.

Q. Were not the letters you sent him copied before you sent them out?—A. No, sir.

Q. You took no copies?—A. No, sir.

Q. Then, were not the letters received by you from him in answer to your official correspondence?—A. No, sir.

Q. In what respect did you regard that, then; you were acting as a public officer?

The CHAIRMAN. You mean the one destroyed and mislaid?

Mr. COOPER. Yes, sir.

The WITNESS. I regarded that as a personal letter.

Q. Why do you regard them as personal letters?—A. Because they were addressed to me personally.

Q. But did they not come to you by reason of your official position?—A. Yes, sir; I presume so.

Q. Is the practice in the Department to destroy a communication which reaches you as an official of the Government?—A. I consider I had a right to do with those communications as I saw fit after consultation with the Commissioner.

Q. After your consultation with the Commissioner you destroyed them?—A. Yes, sir, I either destroyed or mislaid them.

Mr. LITTLE. The witness stated he had a right after conferring with the Commissioner. If they were your personal letters and you had the right to destroy your own mail, why did you have a conference with the Commissioner?

A. Mr. Morgan stated that I should lay these letters before the Commissioner if I saw fit.

Q. It was not an entirely private letter, then?—A. I looked on it as a personal matter; the letters were not stamped and made official.

By Mr. COOPER:

Q. You looked upon it as a personal matter?—A. I looked upon it the same as we do a great many letters which we receive in the Bureau; we act on the letters, but we don't always file them.

Q. Then the correspondence between you and Mr. Morgan which you have agreed was an attempt to connect my name with that matter, you regarded that as a personal matter, didn't you?—A. I will say I did not agree to any such thing.

Q. Didn't you regard it as a personal matter?—A. What?

Q. The correspondence between you and Mr. Morgan, in which you made an effort to connect me with Hersey?—A. Yes, sir.

Q. You regarded it as a personal matter?—A. Yes, sir; after giving the information to the Commissioner.

Q. Then you were acting for his personal information and personal purposes and desires, and not as an official?—A. I laid this matter before him and he gave me my instructions.

Q. I wish you would make it plain, why you regard it as official?—A. From the fact that it is the basis of the investigation.

Q. Then the letters you received, which were the result of your official investigation, you think you were at liberty at any time to destroy?—A. No, sir; the result of my official investigation appears.

Q. Were not the letters a part of it?—A. No, sir; that was the information upon which I made the investigation.

Q. Then you destroyed the source of your information?—A. Yes, sir; but in that one letter there was no reference to this investigation at all. That had reference to parties furnishing information, the letter I destroyed.

Q. You have stated the Commissioner—that Commissioner Raum stated he would see "I didn't suffer if I spent any money for any purposes outside of the Government business."—A. Yes, sir.

Q. You consider, then, this money you were spending in trying to bribe me was outside of the Government business, did you?—A. Yes, sir.

Q. You testified before you went to the law division to find out Mr. Morgan's standing?—A. No, sir; not Mr. Morgan's standing.

Q. Before you went out there?—A. Yes, sir.

Q. And you found there had been no charges against him?—A. I beg your pardon. That was in regard to Marring.

Q. Didn't you testify you inquired as to Morgan's standing?—A. No, sir; I did not intend to if I did.

Q. Did you inquire in regard to it?—A. No, sir; I don't think I did. I have never been informed that he had been disbarred.

Q. How long did you know of his having been an attorney?—A. I did not know only in a general way. I might have seen some of his claims, might have received them at my desk; it would be difficult to tell.

Q. I had the recollection you spoke about him being disbarred?—A. No, sir; it was Mr. Marring.

TESTIMONY OF JAMES F. HENRY.

JAMES F. HENRY, sworn and examined:

By Mr. COOPER:

Q. Where do you live, and what is your occupation?—A. I live in Washington; I am a newspaper correspondent.

Q. Were you engaged in that business about the middle of August last?—A. I was.

Q. For what paper?—A. For the New York Herald.

Q. What paper do you represent now?—A. I represent the Pittsburg Times and in part the Philadelphia Press.

Q. I will ask you if, about that time, the middle of August, 1891, you called upon Gen. Raum for an interview, and you may look at this interview [hands file of New York Herald to witness].

Mr. LIND. This is absolutely incompetent unless Gen. Raum has been called in regard to that interview.

Mr. COOPER. I simply want to identify the interview, as the witness wishes to be excused.

The WITNESS. Yes, sir; I wrote this editorial.

Q. (By Mr. COOPER.) You may state whether the language attributed to you in that interview——

Mr. LIND. I object to that. That is not evidence.

The CHAIRMAN. We can refer to that afterwards. He can state whether it is true or untrue, and we can pass it as to its materiality for the present and decide upon the whole article later.

Mr. LIND. It is such an unusual procedure, and I don't think we ought to do it in the absence of Gen. Raum.

Mr. COOPER. I only want to identify the interview.

The WITNESS. That is correct in substance, to the best of my recollection.

Mr. LIND. Have you any personal recollection of this interview?

A. Yes, sir.

Q. Where was it taken?—A. It was had at Gen. Raum's residence on Rhode Island avenue.

Q. At your solicitation or his?—A. Yes, sir; at my solicitation.

Q. Did you take down what was said in shorthand?—A. No, sir.

Q. What time of day, if you recollect?—A. It was in the evening, if I recollect now, after dinner, about 8 o'clock, I should think.

Q. How soon did you write it up and send it out?—A. Probably within forty minutes afterwards—as soon as I could get back to the office.

Q. Was the paper you were reporting for at that time taking any especial interest in the Pension Office or in the conduct of the business of the Pension Bureau?—A. I believe it was, but this interview had no connection with the pension business.

Q. It does not refer to the pension business?—A. No, sir.

Mr. DUNGAN. What is the date of it?—A. August 17, 1891.

The CHAIRMAN. Mr. Palmer, please mark the interview in the book by some private marks so that it can be identified.

(Interview marked by reporter Exhibit A.)

By Mr. LIND:

Q. You don't mean to be understood as testifying that the language attributed to Gen. Raum, if any is attributed to him, is accurate. It is simply what you regarded as the substance of your conversation?—*A. It is the* substance of the conversation I had with him.

By Mr. DUNGAN:

Q. Did he know he was talking with you, at the time he was talking with you about this matter, that you represented the paper you did?—A. I presume he did. I had had several interviews with him, and he knew the papers I was connected with.

The CHAIRMAN. Did you report it correctly?—A. Yes, sir.

By Mr. ENLOE:

Q. Are you in the habit of taking down statements made by persons in interviews after the interview is passed; have you been in the habit of doing that for some time?—A. Yes, sir.

Q. What are your politics?—A. I am a Republican.

By Mr. LIND:

Q. In that connection, do you newspaper men have any politics in your business?—A. That is a question I would not like to answer under oath.

By Mr. DUNGAN:

Q. Did you have any interview with Gen. Raum after that?—A. I don't recollect, but I think I did. I had several interviews with him and several conversations with him.

Q. Did he ever find any fault with you about this?—A. No, sir; never questioned it in any way.

By Mr. LIND:

Q. Are you sure he ever saw it?—A. I could not answer that question.

By the CHAIRMAN:

Q. Did he know what you were there with reference to the subject matter there?—A. I think he did.

Q. Did he know the papers you represented?—A. He knew I represented the Herald. I told him that in former interviews. I don't remember of having told him at this particular date.

The committee took a recess for thirty minutes.

TESTIMONY OF WILLIAM T. PIERSON.

WILLIAM T. PIERSON, sworn and examined:

By Mr. COOPER:

Q. You are employed in the Pension Office?—A. Yes, sir.

Q. How long have you been so employed?—A. Nine years.

Q. What position and what branch of the service are you employed in?—A. My position is principal examiner and chief of section of the law division.

Q. Were you in that division during last year?—A. Yes, sir.

Q. Who is your chief?—A. Mr. Martin B. Bailey.

Q. Are you subject to any other authority in that division than to his?—A. No; I receive my orders direct from him; I apprehend we are all under the Commissioner's direction.

Q. You receive orders direct from Mr. Bailey?—A. Yes, sir.

Q. I will ask you to state if at any time during last year you received any orders or directions from him to write a review of the relations of John N. Marring, of Columbus, Ind., to the Pension Bureau, or any

recommendation on the subject of his relations and practice before that Bureau?—A. Not last year, sir.

Q. Did you in the year 1890?—A. Yes, sir; I did.

Q. Was it verbal or written?—A. The instructions?

Q. Yes, sir.—A. It was from conversation between us.

Q. State what the conversation was that took place between you?—A. At what particular point do you aim your question, sir?

Q. All the conversation that took place between you; so you may begin at the first.—A. I might say here the part of my business is directed to prosecutions of the Bureau. I have charge of the investigations of those cases and of the arrangement of the volumes of testimony or evidence which we have to present to the Department of Justice showing a violation of the pension laws. I had, in the discharge of my duty, occasion to know and had dealings with certain indictments in connection with Mr. John N. Marring and certain other parties; it would be impossible for me to particularize any particular conversation I have had in regard to Mr. Bailey in regard to any matters unless some special point of time was connected. As a matter of fact, Mr. Bailey and myself are necessarily in daily conversation.

The CHAIRMAN. What do you want to call his attention to, Mr. Cooper?

Mr. COOPER. To a conversation between him and Mr. Bailey upon the subject of the preparation of the recommendation for the disbarment of Mr. Marring.

A. About the 1st or 2d of September Mr. Bailey put into my hands a bundle of papers.

Q. Of 1890?—A. Yes, sir; a bundle of papers, with the request that I would examine them with great care and make extracts of the evidence therein, and my recollection is—though his recollection and mine don't exactly agree upon that subject, though we are not very far apart, and with great respect to him, I believe what he says—my recollection is, I asked Mr. Bailey whether in abstracting that testimony I should put it in the form of a letter recommending the disbarment of Mr. Cooper or simply abstract the evidence. My impression is that he reiterated a desire to have me examine the papers and if I found there was a case to justify any such action I had better prepare a letter so the Commissioner could take such action as he saw fit, and under that direction I prepared such a letter.

Q. Have you that letter?—A. Yes, sir; here it is. (Witness hands letter to Mr. Cooper.)

Q. What did you do with it?—A. I presented it first to Mr. Bailey and then had type-written copies made of it.

Q. Did you read it to Mr. Bailey?—A. I don't remember that.

Q. What do you mean by presenting it to him?—A. I brought it into the office and told him: This is the result of my labor.

Judge PAYSON. You prepared it at home?

A. Yes, sir; I prepared it at home on a certain Sunday.

By Mr. COOPER:

Q. Did you acquaint him with the contents of it?—A. I should say I did. I don't recollect about it, but undoubtedly I acquainted him with my determination in the matter—what the outcome of my labor was.

Q. Did you make copies of it?—A. I had them made.

Q. What did you do with the copies?—A. I gave them to Mr. Bailey.

Q. Both of them?—A. Yes, sir; you will see by that indorsement there.

Q. When did you make that indorsement?—A. About the same day the letters were copied—September 5, 1890.

Q. Did you give him two copies?—A. I can only speak from the indorsements there. I could not remember anything more than I made that indorsement at the time. I have so indorsed it, "the original and two copies."

Q. Did you give it to Mr. Bailey in his own hand?—A. That is my recollection.

Q. That was in September, 1890?—A. Yes, sir.

Q. Have you a copy of the copy you made this from?—A. Yes, sir; there is a copy. I have brought up here a letter book in which the copy appears [witness produces letter book and hands it to Mr. Cooper]. That is a copy. That copy you will observe has not been signed by Gen. Raum at all.

Q. Was a copy made of it on an independent piece of paper or independently of the one taken in this book here?—A. Yes, sir.

Q. What did you do with them?—A. I can only state what I indorsed there; I surrendered all I had to Mr. Bailey.

Q. Do you know why this was not signed by Gen. Raum?—A. I do not. My recollection is Mr. Bailey had probably spoken to Gen. Raum; in fact, I feel in my own mind confident that he had.

Judge PAYSON. Please tell us what you know about this, and let the inferences go for the present.

(Question read by reporter.)

A. I can not give you a single answer to that, sir, beyond this, that Gen. Raum about that time went West, and my understanding from Mr. Bailey was he had not had time to consider the matter. I ought to say here I don't know, and it would be impossible for me to say how that letter came there, but I can give an intelligent conjecture as to how I suppose it came there——

Judge PAYSON. I object to that.

The CHAIRMAN (to the witness). The easiest way to get at the truth is to answer the question in as few words as will give an intelligent answer, and if the counsel fails to get out of you all he wants it is his own fault, not yours.

The WITNESS. I don't want to put anybody in a false position here that will not be just to them.

By Mr. COOPER:

Q. Is there any other letter or recommendation of that kind in the book which Gen. Raum has not signed?—A. I really could not say, sir. That letter book is not mine.

The CHAIRMAN. "I really could not say" is an answer to the question.

Mr. DUNGAN. Whose letter book is it?

A. I did not mean that. I have a letter book for the criminal work of the Bureau. This does not contain any work done at my desk.

Q. Whose letter book is that?—A. Supposed to be the Secretary's book.

Judge PAYSON. Where was the book kept?—A. In the law division.

By Mr. COOPER:

Q. Who is the Secretary?—A. Gen. Noble; John W. Noble.

Q. You mean the Secretary of the Interior?—A. Yes, sir; we simply designate it as the Secretary's letter book.

Q. Do I understand you to say you did not have charge of this particular book?—A. No, sir; I don't.

Q. Who does have charge of it?—A. I could not say; there is a case there where the man who copies the letters keeps the books in.

Q. Whose duty would it have been to keep this book and to copy this letter?—A. Whatever messenger was doing the duty.

Q. Do you know who it was?—A. No, sir.

By Mr. DUNGAN:

Q. In the pension department?—A. Yes, sir; in the law division.

By Mr. COOPER:

Q. You say it was about that time that Gen. Raum went West?—A. Yes, sir.

Q. Do you know where he went?—A. I only know he went to Indiana.

Q. That was the time he was canvassing my district, was it not?—A. I could not say, sir.

Q. When was your attention first called to the fact that this was not signed by Gen. Raum?—A. I don't know that I ever noticed it until yesterday, and in fact I did not know before that that copy was in there. I don't think I knew that before yesterday.

Q. I will ask you to examine that and state whether it is a copy [hands paper to witness]?

Judge PAYSON. If the gentleman says the manuscript which he produced is a copy, we can take it.

Mr. COOPER. I want to put this in evidence, copy on page 18 of this letter book and following to the end of the letter.

Mr. DUNGAN. What is it about?

Mr. COOPER. It is about the disbarment of Mr. Marring of the firm of Marring & Slusher, of Columbus, Ind.

Judge PAYSON. It has been sufficiently identified by the witness.

The following letter was here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 3, 1890.

SIR: I have the honor to recommend the disbarment from practice as attorneys before this Bureau, of John N. Maring, Mary E. Maring, and George E. Slusher, all of Columbus, Bartholomew County, Ind., doing business as claim agents under the firm name and style of Maring, Slusher & Co.

The name and composition of this firm has been altered from time to time with such elasticity as was necessary to meet the exigency of the occasion; but, in point of fact, the pecuniary interest has vested substantially in the same parties all the time.

On July 18, 1887, the firm name was Maring & Slusher, the ostensible partners being George E. Slusher and Mary E. Maring, the latter being the wife of John N. Maring, who now stands as the head and manager of the firm, and who was the originator of the business.

From first to last the practices of the firm, under whatever name, have been irregular, in some cases illegal, and in other cases criminal.

Their published advertisements have been deceptive and misleading, and produced with special reference to ensnaring the credulous into a belief that they possess facilities for prosecuting pension claims not possessed by other attorneys.

In a printed paper published by this firm and called "The Pension Guide," in a column headed, "Important to Soldiers," they state, among other things, the following, viz:

"8. All our traveling men are experts in both medical and physical diagnosis, and consequently able to start pensioners on the right track."

The evidence in the files of this Bureau shows that they send their clerks and representatives into communities, armed with stethescope and the usual appliances of a board of surgeons, and that these men, without license to act as physicians and without requisite medical learning and experience, presume to examine claimants and write out pretentious certificates, intended as a diagnosis of the case involved; a practice which was indulged in by clerks employed by the firm, who have no license as required by law to practice medicine.

To compensate for want of actual knowledge in medical science the firm advertise:

"13. We *drill our clerks* in the use of medical appliances, such as the auriscope, cardiometer, opthalmoscope, laryngoscope, and various kinds of speculums, *and by so doing they obtain a knowledge of the diseases peculiar to the soldier.*"

Thus, by a system of office drill, from *unprofessional* hands, these *clerks* are held out to the world as expert diagnosticians in all "diseases peculiar to the soldier," a fact which will explain the drag-net practice avowed, in their advertisement, that "We apply on all disabilities for which *we* think the soldier is entitled to pension, and in every way try to work for the interest of our client."

"6. We have two attorneys, regular practitioners, who adjudge the weight and proper form of testimony.

"7. We have regular practicing physicians, regular graduates of medicine, to whom we refer all medical questions."

Elsewhere, they state that John N. Maring is their medical expert, although a special examiner reports that his name does not even appear among the licensed physicians of Bartholomew County. They have employed a Dr. Theophilus Thomas, who has traveled for them. And it has been alleged to this bureau that when medical evidence called for can not be otherwise furnished, the employés of this firm make an examination and present *it* as medical evidence.

In one of their published advertisements, they announce the fact that "proof of origin is no longer necessary to be proved in a pension claim." It is true that when warned by the Bureau they did expunge this statement from their circular. But it was not expunged until official stress was laid upon them, and was either an ignorant or a willful perversion of the law.

They say further:

"9. We have all our clerks (above the age of 21), both ladies and gentlemen, notaries public as well as deputy circuit clerks, thus avoiding mistakes, as well as gaining time."

The practical operation of this last advertisement forms an additional reason on which to base my recommendation for the disbarment of their firm. Their practice has been to secure the appointment of their employés, or certain ones of them, as deputies to the clerk of Bartholomew County, Ind. Having armed them with commissions, purchased with the firm's money, they send the said employés abroad into other counties and States, to solicit claims and execute declarations for pension. The plan has been to have the claimant in other counties or States appear before their employé (out of Bartholomew County, Ind.), who would write up their applications and swear them to the same; then, on the return to Bartholomew County, Ind., affix the seal of the clerk of the court, with the customary jurat that the party appeared personally before him and was duly sworn, when in fact such claimant had not appeared, and in some instances was never in his life in said county. In one instance, that of the case of Anna Hammond, widow of Richard, No. 385499, they sent Marion U. Snyder, a notary public of Columbus, Ind., into the State of Kentucky, and had the widow execute fee agreements before him as notary public, after which they filed the said agreements in the Pension Bureau as valid instruments, well knowing at the same time that the said Snyder had no authority to take acknowledgments in the State of Kentucky, nor indeed outside of Bartholomew County, Ind. Snyder swears that he did this by their authority and direction, and that if it was wrong he should not be held to blame.

This loose, irregular, and unlawful practice has been commonly resorted to, in full confirmation of their published announcement that all their clerks are notaries and deputy clerks, so as "to gain time."

When called to answer therefor they made a written plea that if it was wrong they were ignorant of the law, and argued to show that it was justifiable under the statutes of Indiana.

Thus, while advertising that two of their number are practicing attorneys, they profess ignorance of a condition of law so simple in its terms, that a tyro would know it, viz, that a commission as notary or clerk within a prescribed district confers no authority to act outside of that district; and that all such attempts to act are utterly void. Yet, with a published advertisement that they have two men in the business, whose special function is to know the law, they have deliberately foisted on the Bureau, as reliable evidence, unlawfully executed and void papers and false certificates, with the intent to have them received in good faith in the adjudication of claims. At Osgood, Ind., a person calling himself Dr. Smith, represented the firm in 1887, and intimated to Special Examiner W. S. Neely, that he was a partner in the concern. Smith made some examinations there, and admitted that Garretson and Stephenson, clerks of the firm, although not doctors, had also made medical examinations, and occasionally made mistakes. And these employés, acting as deputy clerks or notaries, have written up affidavits to be used in pension claims, at the same time certifying that they had no interest therein, when, as appears by the written admission of the firm, they were permitted to charge a dollar each for such examinations.

When claimants are ordered for examination by this Bureau before medical boards this firm admit that they furnish the claimant a slip showing for what he is to be examined—this, too, apart from and independent of the official notice by the Bureau to the board.

In making their calls for status of claims they have prepared a card similar to a "Congressional call," well calculated to mislead and deceive the employés of this Bureau.

In verification of their advertisement that they claim for *all* disabilities on account of which *they* think the soldier entitled by the aid of these drilled medical employés, they load the declarations with innumerable diseases, when, in various instances, the applicant is obviously not entitled to any increase at all.

In fact, their whole practice is such as to justify them in felicitating themselves, as they do in their printed paper of June 25, 1887, upon "the prompt, efficient, and successful *manipulations* of this agency in securing pensions."

Besides these irregularities this firm has in various instances violated the provisions of the act of Congress approved July 4, 1884, by the demand and receipt of illegal fees for services in prosecuting pension claims.

In 1885, John N. Maring took from John Conrad, certificate No. 276177, an additional fee of $90 for services in behalf of the claim. On the demand of Special Examiner Eager, Mr. Maring paid over to said Eager the said sum of $90, which, in turn, was receipted for by J. J. Irwin, banker at Columbus, Ind., to pay to John Conrad. At the same time it was sworn by Horace L. Brown, pensioner, that he paid John N. Maring $10 besides the fee paid to Woodburn, the original attorney in the claim.

In 1887 the firm of Maring & Slusher advertised as "Authorized U. S. claim attorneys." (See Special Examiner L. L. Lawrence's report.) The presumption is that by so doing they intended to hold out the idea that they were specially commissioned by the Government, thus, in effect, violating the spirit of the act of Congress approved April 18, 1884.

On the 9th day of July, 1887, Dr. John M. Watson, of Scottsburg, Ind., swore before Special Examiner Lawrence that in the fall of 1886, when the employés of Maring & Slusher were at that town, Isaac Sweet, an applicant for increase of pension, in whose claim he had made an affidavit, came to him and said that Maring & Slusher wanted him to change his affidavit so as to show that he had treated the claimant for only four years (instead of fourteen, as he had testified), on the ground that it would be better for the claim; which request he refused. The only inference deducible from such a proposition is that they desired to prefer a claim for increase for a disability of apparently recent development, which treatment of for a term of years would render impossible. It is needless to say that such practice is irregular, and opens wide the door of fraud.

Henry H. Boggs, claim No. 524416; Catharine Meek, widow, claim No. 338345, and Daniel Barrister, alias John W. Fuell, claim No. 590834, all swear that they appeared before Mr. Maring, or a Mr. Jackson, his employé, in Jackson County, Ind., and made their applications, but never went before the clerk of any court. (See Special Examiner Lawrence's report.)

Special Examiner Lawrence states, from information and from knowledge, that such practice has, in all probability, extended over eight or ten counties in southern Indiana.

Reuben F. Everhart, of Seymour, Jackson County, Ind., swears that he has made a list of twenty-five or more persons who have informed him that they made application through Maring & Slusher, without swearing to their applications before a court of record, or any person having custody of the seal.

Various persons swore before Special Examiner Lawrence, in July, 1887, that they had made application for pension, said applications being written by Maring or some one of his employés, and swore to the same before a justice of the peace, and were never before a clerk of a court of record, but, acting under the direction of Maring or his employés, paid over to him or them, money to secure the seal of the clerk of court. In some instances they were sworn by Mr. Maring's clerk, a Mr. Jackson.

Chas. A. Manker, circuit court clerk for Scott County, Ind., swore July 9, 1887, that representatives of Maring & Slusher were in the habit of coming to Scott County, Ind., to do work in pension claims; that he asked one of the firm why they did not bring work to him, and was informed (he thinks by Slusher) that their practice was to do the work within the scope of their own office; that he asked how an officer from Bartholomew County could come into Scott County to do official work, and in substance the reply was that members or employés of the firm swore the claimants, and such action was certified by the clerk of court for Bartholomew County. That after this they brought him several affidavits to execute, and particularly in case of increase claim of Frank Fulock, he remembers that the caption of the affidavit was "State of Indiana, Bartholomew Co."

On September 20, 1889, Uriah W. Lazzell, certificate 241142, swore before G. E.

Miller, clerk of circuit court for Bartholomew County, Ind., that John N. Maring charged him, and he paid said Maring, the sum of $100 for no other purpose than prosecuting his pension claim; further, that Maring told him he would have to treat all alike, as they all paid him $100, and that if he, Maring, had to refund the $100 he would pay Lazzell 6 per cent interest, as he had promised all the rest of the boys who paid him the same.

This sum of $100 was in addition to the fee of $25 which had been paid to Maring & Slusher, in the claim, through the pension agent.

Maring refunded $100 in September, 1889, and $20 of the same was allowed him as an agreed bill of expenses.

August 6, 1889, Special Examiner W. S. Neely reported that the firm had representatives traveling through Indiana and Kentucky, first Mr. Stephenson, then one Brinkley, and later, one John H. Peggs; and says that in taking affidavits in *Switzerland* County these representatives invariably put the venue thus: "The State of Indiana, Bartholomew County."

This same John H. Peggs, acting for Maring & Slusher, took the declaration for original invalid pension of John W. Shirey, swore him to it at Patriot, Switzerland County, Ind., took it away with him, and had it filed as an original declaration in the Pension Bureau at Washington, D. C. The said Shirey, having been a justice of the peace, thought the practice improper, and upon writing to Maring & Slusher about it, received their letter of January 12, 1889, in reply, saying, "We have to inform you that your original was executed before one of our clerks, who was a deputy clerk of Bartholomew County, and therefore your original is all right, and was executed before a county clerk, G. E. Mills, clerk of *Bartholomew* County."

Thus it will be seen that Shirey's declaration was void under the law, and both the Government and the claimant were imposed upon, Mr. Shirey not having been in Bartholomew County for ten years.

When it is realized that Maring, Slusher & Co. have half a dozen or more men traveling for them it can readily be seen how widespread is this vicious practice, and to what an alarming extent fraudulent papers and false certificates have been imposed upon the Government. Section 6010 of the statutes of Indiana clearly defines the jurisdiction of clerks of courts as being "in their respective counties."

In April, 1890, the United States grand jury, then in session at Indianapolis, returned indictments against Jno. N. Maring, John H. Peggs, and Marion U. Snyder for violation of section 5421, Revised Statutes, United States, in connection with the practice hereinbefore set forth, and these indictments are yet pending for trial.

During the summer of 1889 these violations of the section aforesaid were developed. Fearing disbarment, the firm name was changed to Evans, Jewell & Co., although the old sign, Maring, Slusher & Co., still hung out. The members of the firm of Evans, Jewell & Co. were Geo. W. Evans and Eva Jewell, clerks in Maring, Slusher & Co.'s office; Geo. E. Slusher, a member of the firm of Maring, Slusher & Co.; and Mary E. Maring, wife of John N. Maring.

Joseph Irwin, a banker of Columbus, Ind., where Maring, Slusher & Co. do business, informed Special Examiner J. D. Fardon, during the present year, that the firm of Evans, Jewell & Co. was a myth; and that he understood Eva Jewell signed the name of Evans, Jewell & Co. to all drafts drawn in that firm's name, and that John N. Maring then signed the firm name of Maring, Slusher & Co. below that, and the money was deposited to the credit of Maring, Slusher & Co. He saw John N. Maring in the banking house of James Irwin sign a check in the name of Maring, Slusher & Co. for $100, and saw the money paid to him.

The testimony on which these parties were indicted will be found in claim 634548 of Clay Cassman, Company F, One hundred and seventeeth U. S. Colored Troops, now in the hands of a United States attorney at Indianapolis, Ind.

I therefore recommend, in view of the dangerous practices indulged in by this firm, that they be disbarred from practice as attorneys before this Bureau; and for the causes herein set forth, I further recommend that the firm of Evans, Jewell & Co. and the individual members composing same shall also be disbarred from practice.

The papers to sustain the charges accompany this letter,

Very respectfully,

———— ————,
Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

By Mr. COOPER:

Q. Do you know what became of the recommendation that you made?—A. I do not. I did not make a recommendation; that was simply a letter for Gen. Raum's consideration. I did not personally make any recommendation.

Q. Did you make any of these memoranda on the back of these jackets?—A. I did not, sir.

Q. Whose handwriting is that in [hands jacket to witness]?—A. I am unable to say, sir.

By Judge PAYSON:

Q. Now, speaking as to actual knowledge, Mr. Pierson, the latest fact that you know with reference to these papers you delivered them, you think, into the hands of Mr. Bailey?—A. Yes, sir.

Q. And that ended your connection with it?—A. Yes, sir; ended my connection with the whole matter.

Q. Strictly speaking, the matter connected with the disbarment of an attorney did not belong to your desk?—A. No, sir.

Q. Your desk is in connection and has reference to the criminal part of the business?—A. Yes, sir.

Q. Do you know, as a matter of fact, whether or not the indictment against Mr. Maring was pending in Indiana when Gen. Raum took possession of the office as Commissioner?—A. No, sir; it was found in the April term, in 1890.

Q. There had been an application made to the Department prior to this time as to his disbarment?—A. I am unable to say.

Q. Can you tell from referring to this letter book?—A. I know the tenor of that letter.

Q. I mean the letter in this letter book dated September 9, 1889?—A. I could not tell you in regard to that. I had no connection with the case at that time.

Q. You will see by the letter that it had been practically disposed of at that time, in the fall of 1889?—A. I didn't know anything about it at that time.

Q. This is from the office, is it [showing witness letter]?—A. Yes, sir; I could tell that from the marks upon it.

Q. Do you happen to remember as a matter of recollection the charges preferred against the firm?—A. Yes, sir; there were various charges—taking illegal attorney fees, sending deputy clerks into other counties, using their clerks as medical experts, equipping them with instruments, and sending out advertisements in the form of circulars which were misleading, and giving to the Bureau misrepresentations.

Q. Unprofessional practices generally?—A. Yes, sir; unprofessional practices generally.

Mr. COOPER. Have they been disbarred?

A. No, sir; not that I know of.

By Judge PAYSON:

Q. As to the matter of the disbarment or any attempt to secure the disbarment of Maring or Maring, Slusher & Co., you would have no knowledge of it or any official action in connection with it in the Bureau prior to the time of putting the paper in your hands, that being another branch of the work?—A. No, sir.

Q. You know nothing about their being disbarred?—A. No, sir; I do not.

Q. You say you don't know how that letter came to be press copied, or anything in connection with it, with the press copying of it? You don't know anything about that?—A. No, sir.

Q. As a matter of fact, should a letter from the office be copied before being presented to the Commissioner?—A. No, sir; it could only occur by an inadvertence.

Q. If that letter had never been presented to Gen. Raum, and he had

never considered it or signed it, it was improperly in the letter book?—A. Yes, sir; undoubtedly, sir.

Mr. DUNGAN. Whose duty was it at that time to take the letter from you that you had prepared for the general's inspection?—A. The chief of the law division, Mr. Bailey.

TESTIMONY OF M. B. BAILEY—Recalled.

Mr. M. B. BAILEY recalled.

By Mr. COOPER:

Q. I will ask you to state whether you received from Mr. Pierson, who has just testified upon the stand, a letter described by him with reference to the practice and standing of Maring & Slusher?—A. I do not recall it; but then it is undoubtedly correct, as I had the letter in my possession.

Q. What did you do with it?—A. The first recollection I had afterwards of that was when my attention was called to it as the result of an interview purported to be with you, in a Western paper, and a representative of the New York Herald came to the office and asked about it.

Q. What do you mean by an interview with me?—A. The reporter came to the office with an interview in a Western paper in which you were quoted as saying, "Mr. Bailey said he presented Gen. Raum with a letter recommending the disbarment of this firm of Maring, Slusher & Co., and Gen. Raum took the letter with him into my district and you said that after consultation with this firm he either suppressed or held the letter, and Mr. Bailey now wants to know what has become of that letter. That was in June, 1891—last June.

Q. That was the first time your attention was called to the matter?—A. Afterwards; that is the next recollection of it I have.

Q. After Pierson gave it you?—A. Yes, sir.

Q. You have no recollection then independent of this statement of having received it from him at all?—A. I don't know as I said that, Mr. Cooper. I said I can not recollect the fact that he brought that paper in and gave it to me, because it is not unusual for him to give me reports, that he prepares, and there are bundles of papers on my desk, 150 of them a day.

Q. Don't you recall the fact that he acquainted you with the result of his investigation and labor upon that subject?—A. Not at the time, but he did do it, because this is his letter.

Q. At that time then when he reported the result of his labors to you, you knew what he had done?—A. No, sir; I did not; at any rate I do not recall it, and it was not brought to my attention again until called to my attention by the New York reporter, and when he stated what you had stated in that interview, and I will state that that is not so, because I never made any such statement, and I stated so to this reporter, and I said I would send for all the papers in the criminal and fee section and see what the jacket shows, and I did so; and in calling for the criminal docket, Mr. Pierson came in and said to me, "you are inquiring about that letter," and I said, "yes, sir," and added, "I never wrote any such letter." He said, "you have a copy of it, because I wroet a letter and have the original;" and I then made a search for the original and I found a typewritten copy in a sealed envelope in a waste-basket on my desk.

Q. Have you that now?—A. Yes, sir.

Q. Let me see it, please?—A. I have not it with me but it is at my office in the same place I presume.

Q. Where did you find it when you did find it?—A. I say it was sealed in an envelope in a little square basket.

Q. I thought you said a wastebasket?—A. No, I don't mean that; I don't mean it was thrown away, at all.

By Mr. LITTLE:

Q. Was there any address on the outside of the envelope?—A I think there was on the outside, either Maring, or Maring, Slusher & Co., something of that kind; just the name.

Q. What other papers did you keep in that basket?—A. The basket itself will show. It is full of all sorts of papers.

Mr. COOPER. How large a basket is it!

Judge PAYSON. How much would it hold in capacity, a quart, peck or half bushel?

A. There are perhaps a hundred letters or reports besides that one, standing in it, placed in it. Whenever I get a report that I think may be of use in the future or anything that comes to me that is not official I stick it in there for future reference if I should need it.

By Mr. COOPER:

Q. Didn't you regard this as an official paper?—A. No, sir; it is not initialed or signed.

Q. On what theory do you make your statement that it is not official?—A. Because it is not signed.

Q. Because neither you nor the Commissioner had affixed your signatures to it?—A. That is correct; yes, sir.

Q. It had been prepared by one of your subordinates whose duty is to prepare such recommendations?—A. No, sir.

Q. He was assigned to that duty then?—A. That is Mr. Pierson's recollection of it. I don't admit that that is so.

Judge PAYSON. What is your recollection?

A. My recollection of it is, I asked Mr. Pierson to review that case and make a summary—an abstract of it.

By Mr. COOPER:

Q. What did you want of a summary?—A. When we have a great mass of papers against any parties and they become cumbersome and troublesome to find out what you want it is not an unusual thing to ask somebody to summarize them.

Q. What called your attention at that time to the particular case of Maring?—A. At the time Mr. Pierson made this report?

Q. Yes, sir.—A. I can not recall now, I presume from the fact that some charges had been filed against him.

Q. Were there any recent charges filed against him?—A. The papers will show.

Q. Don't you know it is a fact that no charges had been filed against him since the April previous?—A. I don't koow as to that; but the papers will show for themselves.

Q. Look at the papers and see [hands papers to witness.] State if the jacket shows that.—A. The papers will show.

Q. You were the custodian of these papers?—A. Yes, sir; they are in the office there.

Q. You can look and see; you need not be afraid; just look at the papers and see.—A. I have had occasion to tell you before quite re*cently* that I am not troubled with fear at all.

Mr. BAILEY (to gentleman sitting at one side). Mr. Coleman, did you prepare a summary of these papers and what they contained?—A. Yes. sir.

Q. Have you got that with you?—A. No, sir.

Mr. DUNGAN (to Mr. Coleman). What you have is a receipt for these papers, is it not?—A. Yes, sir.

By Mr. BAILEY. I see from the last indorsement on this jacket that it shows it was some months before that.

Judge PAYSON. Give me the latest date it appears there.

A. I think it is October 26, 1889.

The CHAIRMAN. 1889?

A. Yes, sir; there are two jackets in this case.

By Mr. COOPER:

Q. Now, then, you will please tell the committee, if you can, what it was that called your attention to this case at that particular time.—A. I can not say; I can not recollect as to that.

Q. There have been no recent charges filed?—A. I don't remember.

Q. You don't remember?—A. No, sir.

Q. Did you have any conversation with Gen. Raum about that time?—A. I do not recall except at the time that Mr. Pierson speaks of, and I think I told him there was an indictment pending against this firm.

Q. Told whom?—A. Gen. Raum.

Q. What time was this?—A. It might have been July, August, or September preceding this letter.

Q. You had a conversation with him?—A. Yes, sir.

Q. Preceding the letter?—A. Yes, sir.

Q. This letter in the letter-press book here?—A. Oh, yes; that is the one.

Q. Now, who began the conversation or introduced the subject, you or Gen. Raum?—A. I did, without doubt, because I rarely ever recommend the disbarment of a firm without speaking to him about it, although he leaves that entirely to me. I usually tell him there is a letter of disbarment on his desk that I want him to consider, and I think I talked with Gen. Raum about this firm being under indictment, and I thought it best to await the result of that trial before taking any steps toward disbarring him.

Q. Had you at that time read this letter before talking to Gen. Raum?—A. That was before this letter was written. I never read that or presented it to Gen. Raum, or it would bear my initials.

Q. Then your conversation with him was before the preparation of the letter by Mr. Pierson?—A. Yes, sir.

Q. What did Gen. Raum say in reference to the matter in regard to what you should do with it?—A. If he said anything at all he simply acquiesced in what I said.

By Mr. DUNGAN. Was that an unofficial matter on your part?—A. He might have said, "Do whatever you think is right or whatever you think is best."

By Mr. COOPER:

Q. Let me ask you, did you go to his room on your own motion and call his attention to the fact that the charges had been made and were pending against this attorney, or did he come to you, or do you remember how that was?—A. I have no distinct recollection of it. I will say I called his attention to it, as I do to any case that I think will require the disbarment or will result in the disbarment of an attorney.

Q. You do remember of having a conversation with him in July or August?—A. Yes, sir; preceding this date.

Q. Preceding the date of Mr. Pierson's letter?—A. Yes, sir.

Q. You have no recollection whatever of what you did with the letter Mr. Pierson gave you?—A. I will say it was placed there on my desk; there is where I found it.

Q. How do you know it was placed there?—A. I found it there.

Q. How long afterward?—A. The following June.

Q. It lay there from September to the June following?—A. Yes, sir; I presume so.

Q. In a basket in which you keep papers pertaining to your duties in the office, on a table there?—A. Some pertaining to the office and some not. It is a basket filled with different kinds of papers—all kinds of papers—some relating to the Pension Bureau and some not.

Q. You regarded it as an unofficial paper, did you?—A. Most assuredly I did.

Q. Was it to be used in any private enterprise which you knew of?—A. I did not have anything to do with any private enterprise.

Q. Was there any use it was to be put to in an unofficial way which caused you to regard it as unofficial?—A. No, sir; it is not initialed or signed, and I had no idea of presenting it in that shape to Gen. Raum. If I had, it would have gone in the regular way.

Q. Who made that memorandum on the back of that paper [handing paper to witness]?—A. (Witness reads.) "Respectfully referred to Mr. Harden, chief of the fee section, relative to disbarment of Attorneys Maring, Slusher & Co." I don't know.

Q. Are you not acquainted with the handwriting?—A. No, sir; that is not mine.

By Judge PAYSON. Whom is it signed by?

A. Special Examiner J. D. Farden.

By Mr. COOPER:

Q. When you had your attention called to the fact that a letter recommending the disbarment of these parties had been miscarried, did you talk to Gen. Raum about it?—A. Gen. Raum rang my bell, and when I went in there I found, as I said, this reporter of the newspaper, and he said to me, here is the representative of some paper—I think the New York Herald—and he is here and has an interview with Mr. Cooper, in which he quotes you as saying you submitted to me a letter, and after I read the article I said, I don't know anything about that, general; and he said to the newspaper man, you talk to Mr. Bailey; and he said to me, you furnish him with what information you have.

Q. When was that?—A. In June, 1891, I think; I think it was last June.

Q. What did you do then?—A. I went to my division with this gentleman, and sent for the criminal jacket, which Mr. Pierson had, and the papers that are filed in Maring, Slusher & Co.'s files, and showed him everything we had there.

The CHAIRMAN. Did you show him this letter of Mr. Pierson's?

A. As a result, I said to him, there is no indorsement here of any letter having been written and I never wrote any such letter.

By Mr. COOPER:

Q. No indorsement where?—A. On the jacket there.

Q. Did you look?—A. I did then; yes, sir.

Q. Was there no indorsement there then?—A. No, sir.

Q. Did you see that [hands paper to witness]?—A. Yes, sir; this is August 23 and that is September.

Q. It precedes that?—A. Yes, sir; it is two weeks before; a week and a half before.

Q. Read that, will you?

August 23, 1890. Disbarment recommended by order of chief of law division, to whom fact that no notice had been given to attorneys was communicated by me. All other papers than those now on file here are filed with the Secretary of the Interior.

Q. Who made that indorsement?—A. Mr. Anderson.

Q. Do you remember the decision you came to on the subject?—A. I do not.

Q. You say you looked. Did you find this indorsement?—A. I do not recall finding that indorsement. I had a conversation there and I had everything there and I told him to go over and satisfy himself.

Q. There were two jackets, one John N. Marring and one Marring & Slusher. I will ask you if the same indorsement is not on each?—A. Just the same; yes, sir; precisely the same on each.

Q. You failed to discover this at that time?—A. I won't say, but I do not recall it. They were there before both of us. I said to him I never presented any such letter or never wrote it. I said that to this newspaper man at the time.

By the CHAIRMAN:

Q. Was this letter found by you at the time?—A. Yes, sir, that letter; in the course of our conversation Mr. Pierson said to me, "Such a letter has been written;" and I said, "I don't remember anything about it;" he said, "I wrote it and handed the original copy to you."

Q. Did you find it at that interview?—A. Yes, sir.

By Mr. COOPER:

Q. Where did you find it?—A. I say Mr. Pierson brought it in.

Q. I thought you said you found it in this waste basket?—A. I am speaking of the original; he said, "You must have the type-written copy," and we did find it.

Q. Did you find it then at that time?—A. Yes, sir.

Q. Right then?—A. Yes, sir.

Q. How did it get into the letter book?—A. I don't know, Mr. Cooper. If you will examine that letter book you will find that this is the only letter copied in there without somebody's signature or initials or the signature of Gen. Raum. That is a personal letter.

Mr. DUNGAN. It is there in the proper chronological place?

A. Yes, sir.

Judge PAYSON. Will there be any dispute on your side that the statement made by Mr. Pierson is not a correct one, where he says it must have gotten in there through an inadvertence, it not having been signed?

Mr. COOPER. We do not know anything in regard to that.

Judge PAYSON. Do you expect to make any different showing than that by anybody; if you don't we are wasting time about this matter.

By Mr. DUNGAN:

Q. Who took the press copies in here?—A. It must have been one of a number of men; we have messengers in there and they are transferred quite frequently. I did not know it was in there until yesterday.

Q. Who had access to the book?—A. Anyone in the division.

Q. Who had the right to take press copies?—A. Anyone in the division, in the office.

Q. Did anybody in the office have access to the books for the purpose of taking press copies of official letters?—A. No, sir; no one would properly have that except the messenger there. That was put in there by some mistake of the messenger.

Q. You don't mean to say that that could have been put in there surreptitiously?—A. No, sir; I do not say anything of that sort; but I do say that is the only letter you will find in there in that shape.

By Mr. ENLOE:

Q. I want to ask you how it was that there could be a copy of this letter in that letter-press book and at the same time you have the copy sealed up in an envelope in that basket on the table?—A. I don't think I said that. You asked me the question there assuming I said that.

Q. Did you not say it was in a basket on the table?—A. Yes, sir; I say that is where I found it, and I say I presume it was lying in the basket.

Q. You don't know how it came in that basket; you do not know how it came there and you did not put it there?—A. I presume I did; yes, sir.

Q. If you put it in the basket, and if it was in there, sealed up, how could anybody else have access to copy it in that letter book?—A. I don't think it could be done. I don't know anything about the different copies.

By Mr. DUNGAN:

Q. Have you examined the copy that you have?—A. Yes, sir.

Q. Has it the appearance of having been copied?—A. Oh, yes, sir; without doubt.

Q. And that probably is the original of this copy?—A. Yes, sir; I think so.

By Mr. ENLOE:

Q. That is the very point. I understood you to say you found it, when you did find it, in this basket, sealed up. Now, in the natural course of business there in the office, would this letter be first press-copied or first signed?—A. It would be first signed.

Q. How would you have possession of that copy that was sealed up and still that very same matter be press-copied in the book? How can you account for that?—A. That press copy there must have been taken from the copy which I have.

Judge PAYSON. Before it was delivered to you?

A. Certainly; I presume so. I don't recollect anything about it. I didn't know it was in the copy book until yesterday.

By Mr. ENLOE:

Q. Did you call the attention of the Commissioner to it when you found it?—A. I told him then that the letter had been found which had been presented to me, and whatever occurred I reported to Gen. Raum, and the newspaper man went with me to him.

Q. And he then had his attention called to this letter?—A. Yes, sir. In fact, I don't believe I took the letter to him or showed it to him.

Q. Did he ask you to see the letter?—A. I don't think he did.

Q. Had you passed upon this letter and decided that it was not a proper presentation of the case or a proper matter to bring to the attention of the Commissioner?—A. I don't recall anything about it.

Q. After your attention had been called to it and you looked it over, then did you think it was a proper review of the case?—A. I don't think I did go over it with that idea.

Q. When the reporter was there and you talked to the Commissioner about it, what did you say to him?—A. I went to him, and I think the newspaper reporter did as much talking as I did. Gen. Raum said to him, "Are you satisfied?" and he said, "Yes, sir;" and he turned around and went out and I with him, and I told him if he had occasion to look after that to come to the office; that is, the newspaper man.

The CHAIRMAN. Did you explain to the Commissioner the nature of this letter?

A. I don't think I went into it at all or told him what it contained.

By Mr. ENLOE:

Q. Or he did not manifest any desire to know?—A. No, sir; not as I remember.

Q. He did not call for a copy of it?—A. No, sir; I don't think he did.

By Mr. COOPER:

Q. Did you ever see other but the one copy you found in your basket?—A. I have no recollection of having made any search for it.

Q. But I want to know if you only found but one; you only found one, did you?—A. Yes, sir.

Q. Did you look through the files?—A. Yes, sir.

Q. And your never found but one?—A. No, sir.

Q. Do you know what became of the other one?—A. No, sir.

Q. It is not on file, is it?—A. No, sir.

By Mr. ENLOE:

Q. What was the object in taking two copies?—A. I have not any idea.

Q. Is it usual to take two copies?—A. No, sir.

Mr. DUNGAN. Did you know two copies were taken in this case?

A. I don't have any recollection of it. There is Mr. Pierson's indorsement on there as to the two copies, but I don't recollect about it, but I don't doubt it at all.

Mr. ENLOE. It was not the custom to take two copies; you had no official use for two copies?

A. No, sir; not in such a case as that. I would like to state in connection with this same case, if my attention had been called to this case at any time I knew and had it clear in my own mind that a number of charges had been filed against this firm, and that they had all been considered, so far as my knowledge went, by the person who is charged with considering those questions, and that upon the representation of Mr. Irvin and Mr. Cooper, those two prominent men, that this question had been considered by persons whose duty it was to consider it, and that he had written a letter to the firm I think, as well as to you—to Mr. Cooper. I think in answer to your letter, or whatever it was, that the charges against this firm had been dismissed and it was considered satisfactory. I have this distinct recollection of the case.

By Mr. COOPER:

Q. Now, I will ask you if it is not a fact and these records show that the communication from me was a telegram from me in which I stated in substance I desired the Commissioner to take no hasty action until

they could be heard upon it. Wasn't that in 1889?—A. They had had a hearing before our office and every charge had been considered that was on file, by the person whose duty it was to consider that question, and he had taken into consideration your telegram or letter, or whatever it was—the letter or telegram will show—as well as the statement made by Mr. Irvin, and as a result of that he wrote this letter telling them it had been dismissed and also notifying you.

Q. I will ask you if all the communication you ever received from me was a telegram, if that was not the only communication you ever received from me upon the subject [hands paper to witness]? That came to the Commissioner of Pensions, and is not that the only communication that ever reached you from me in connection with this case?—A. I don't know.

Q. Have you any recollection?—A. My recollection is you had some correspondence, but you told me you didn't have.

Q. You have not seen any?—A. My recollection is you had correspondence with Mr. Tanner about this firm. Whether the fact you sent that long telegram is what made me think so, I don't know.

Q. The date of that is September 6, 1889?—A. Yes, sir.

Q. I will ask you if this communication, special examiner, dated April 19, 1890, was not afterwards filed in your office?—A. Assuredly so; the mark shows that, April 19, 1890.

Q. Wasn't that subsequent to the time you say the charges under consideration had been considered?—A. Yes, sir.

Q. Doesn't this inform the office that they were then or had been recently indicted by the grand jury of Indianapolis for violation of section 5421?—A. O, yes, sir.

Q. They were then under indictment?—A. Yes, sir.

Q. Your attention was called to the fact in this communication?—A. I don't say it was. That letter would come in there and go to the proper clerk. I don't know as it was ever called to my attention; no, sir.

By the CHAIRMAN:

Q. Was there anything done under that second charge?—A. That was a matter solely within the control of the district attorney.

Q. Do you know whether anything was done?—A. The examiner wrote the office that after consultation with him the charges were dismissed.

By Mr. COOPER:

Q. Which charges?—A. Whatever is incorporated.

Q. They are pending yet, and there is another charge in New Albany there which is pending against them yet.—A. I don't think we knew anything about that.

Q. I will ask you if this recommendation filed in April last does not conclude with this language: "John H. Peg and Marion W. —— are employés of Marring, Slusher & Co.; I recommend that the persons mentioned herein be disbarred from practice before the Bureau." Isn't that the language of the special examiner?—A. I think you have read that correctly; yes, sir.

Q. Was your attention ever called to that?—A. It might have been; I don't recall it.

By the CHAIRMAN:

Q. Mr. Bailey, do you know of your own knowledge whether any proceedings have been had under this second charge to disbar these people?—A. I think not.

Q. This report comes in from the officer who is charged with the duty of finding out these facts?—A. I think he did that on his own motion.

Q. It is filed, then, as a part of his official action?—A. Yes, sir.

Q. And it still remains without any action having been taken by the Department?—A. I don't know.

Q. You don't know?—A. No, sir.

Q. Would you be apt to know it?—A. Yes, sir.

Q. I want to call your attention to the fact that in making that recommendation he tells you that this firm was indicted?—A. That was in the hands of the district attorney, and since that letter was written he has dismissed those charges.

By Mr. COOPER:

Q. Which charges?—A. Those referred to there.

Q. How do you know it?—A. Our books show it.

Q. What books show it?—A. I will have to produce the books from the clerk.

Q. These charges in the United States court have been dismissed?—A. That is my understanding.

Q. Do you get that from the books in your possession?—A. The indorsement on the books are simply copies from the letters from the special examiner. Our information is that the charges against them were dismissed. Our office then takes no action on a man at all.

Mr. LITTLE. What is the date of the dismissal?

A. Our books will show, but I don't know. I think Mr. Pierson knows.

Judge PAYSON (to Mr. Pierson). Mr. Pierson, have you a recollection of the date, what the state of the record is with reference to these criminal prosecutions and proceedings against Maring & Slusher, in your office?

A. I do, sir.

Q. You may state it.—A. My docket shows my official advice from Farden that the case was set for trial on January 20, 1891, but that—I have a copy here from my docket—that the time was set for the 20th instant, but that last week the case was dismissed by District Attorney Chambers against John H. Maring, Mr. Pegg, and the others.

By Mr. COOPER:

Q. Are there not other indictments pending against them at New Albany?—A. I have no official information of that, or any other information, and it would be my duty to know it if it came to the Bureau.

By Judge PAYSON:

Q. Now, Mr. Bailey, so far as you know, then, the matter of this letter about which Mr. Pierson has testified, and a copy of which has been put in evidence, was never called to the attention of Gen. Raum?—A. No, sir.

Q. And personally he had no knowledge of it until this interview with Mr. Cooper was brought to his attention and that resulted in the discovery you have told about?—A. Yes, sir.

Q. In speaking of the two copies of these papers, are not all communications prepared in your Bureau to be transmitted to the Secretary prepared in duplicate?—A. All letters to go to the Department of Justice are in duplicate, but letters for the Department are not. That is my understanding of it. I don't think I ever knew of that happening before.

Q. I suppose you have no idea in the world how Mr. Cooper could

have ascertained the fact that this letter was written that was sealed up on your desk?—A. He told me some one in the office told him.

Q. Did he tell you whom?—A. No, indeed.

By Mr. COOPER:

Q. Look at that indorsement on the back of that where it says "disbarment recommended by order of the chief clerk," the last entry on the back of the jacket. Were you chief of the division at the time that was made?—A. Yes, sir.

Q. Was that by your order?—A. I don't recall it, sir.

Judge PAYSON. I want to offer in evidence this copy from the letter book to which I called the attention of Mr. Pierson, letter dated September 9, 1889. I will read it so Mr. Palmer, the reporter, may take it down in his notes:

LAW DIVISION,
September 9, 1889.

Hon. GEORGE W. COOPER, M. C.,
Columbus, Ind.:

SIR: In response to your telegram of the 8th instant relative to the charges preferred against Maring, Slusher & Co., for improper practices in the prosecution of of pension claims, I have the honor to inform you that their answer has been accepted as satisfactory and the charges have been dismissed.

Very respectfully,

JAMES TANNER,
Commissioner.

Judge PAYSON. I want to ask you, Mr. Pierson, in connection with this letter, whether at the time you prepared the abstract you did in regard to the charges you knew of the action of Mr. Tanner?

A. I suppose not, sir. If I had been informed of it I would have taken notice of it in this letter; and Mr. Bailey gave that to me and expected I would be honest in what I did with it, and I tried to be so.

Mr. COOPER. I want to call attention to the fact that that was a year previous to the time when this report was made by Mr. Pierson.

Judge PAYSON. At the same time you ought also to call attention to the fact that the jacket you have contains numerous charges prior to the time of those in the same jackets you are now referring to. Of course I only claim that it settles the account down to where it bears date.

TESTIMONY OF F. E. ANDERSON.

F. E. ANDERSON, sworn and examined.

By Mr. COOPER:

Q. Are you a clerk in the law division of the Pension Office?—A. Yes, sir.

Q. How long have you been employed there?—A. I have been employed in the Pension Office since the 1st of July, 1887.

Q. How long have you been a clerk in the law department?—A. I think June 23; my impression is I went in there June 23, 1890.

Q. I call your attention to the memoranda on the back of the jacket which you have in your hand, the substance of which is that the papers recommending the disbarment of John N. Maring were sent to the Interior Department, and ask you if you made that memorandum?—A. Yes, sir.

Q. How did you happen to make it?—A. I will state in reference to

this matter, that when I first went into the law division I went in to take the place of Mr. Coleman, who had charge of complaints against attorneys and recommendations of disbarments, and at that time all questions of disbarment were——

The CHAIRMAN. There is no use of your going into all of that. Just answer the question. That is all we wish of you. Read the question, Mr. Palmer.

(Question read by reporter.)

A. I have no recollection of how I happened to make it, except that as it shows there on the jacket. I could not be expected to carry it two years in my memory.

By Mr. COOPER:

Q. Was it a part of your duty to transmit the papers to the Secretary of the Interior?—A. Yes, sir.

Q. Do you know whether you did it or not?—A. I have a faint recollection of that case, I think.

Q. What is it?—A. Those papers were brought in, and were given to me to examine, say, whenever a case went there as this case did. I can't give you any more information than I gave to you at the time. That is more valuable than anything I can say two years later.

Q. Do you have any recollection independently of the record of any disposition made of that recommendation?—A. No, sir; only I prepared the letter, I presume, from my statement there, recommending their disbarment.

Q. What became of that?—A. That letter never came back.

Q. What did you do with it?—A. I did not have anything more to do with it. I prepared a statement of the facts, as shown by these voluminous papers in the case.

Q. What did you do with that letter?—A. That letter was prepared by me and written on the typewriter.

Q. Did you give it to the typewriter?—A. Yes, sir.

Q. Who was it?—A. As nearly as I can recollect now the typewriter was Miss White. I am not positive, though.

Q. What did she do with it?—A. She was in the process of writing it.

Q. When you saw it last?—A. Yes, sir; she was copying my longhand letter.

Q. Did it ever get into your letter book?—A. Not to my knowledge.

Q. Did you ever look?—A. No, sir; I never looked to see.

Q. Where is she?—A. In the Pension Office.

Q. Whereabouts in the Pension Office?—A. In the Pension Office is the best I can say.

Q. What is her name?—A. Nettie L. Wright. (Witness, turning to Mr. Bailey). Isn't that it, Mr. Bailey?

Mr. BAILEY. Yes; the name is Nettie L. Wright; but I don't think she is the one you are referring to.

WITNESS. I don't recollect; I don't remember at all. I said whatever I did I don't know——

The CHAIRMAN. Did you see it after you gave it to this lady?

A. I did not, sir.

By Mr. COOPER:

Q. Can you tell the substance of what the letter contained?—A. In a general way.

Q. Give it to us, then.

Judge PAYSON. Have you a distinct recollection of what it contained?—A. Yes, sir; of the substance.

The CHAIRMAN. It was in relation to these matters you have already testified about?

A. The charges that the clerks of Maring & Slusher were taking evidence and executing articles of agreement in counties and States from the county and State who attested the declaration were made before them outside of the State of Indiana. That was the main point, as I recollect it.

Q. On that point you recommended the disbarment?—A. Yes, sir.

Q. You don't know what became of it?—A. No, sir; I do not.

Q. Have you ever made a search for it?—A. No, sir; I never did.

By the CHAIRMAN:

Q. I see this bears date August 20?—A. Yes, sir.

Q. Is that the date you wrote the letter?—A. Yes, sir.

By Judge PAYSON:

Q. The matter you had in charge, did it cover all the matters contained here?—A. Yes, sir; that is my recollection. It is usually the case.

Q. It is your recollection?—A. Yes, sir.

Q. Now, at the time you wrote that letter did you know about all these matters down at least to the last one we have mentioned here?—A. No, sir; otherwise I would not have written any such letter.

Q. Was your attention ever called to the letter I have just read, signed by Mr. Tanner, dated September 9, 1889?—A. No, sir; I never wrote that letter or had anything to do with it.

Q. Did you have any knowledge of it?—A. No, sir; at that time I was not on that work at all and consequently it would not come to me.

Q. You might have knowledge of it if it did not come to you, could you not?—A. No, sir; I did not have any knowledge of it at all.

Judge PAYSON. I want that letter to go in evidence.

Mr. BAILEY. I will furnish you a copy of it.

The following is the letter referred to.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 9, 1889.

SIR: In response to your telegram of the 6th instant, relative to the charges preferred against Maring, Slusher & Co. of improper practices in the prosecution of pension claims, I have the honor to inform you that their answer has been accepted as satisfactory and the charges have been dismissed.

Very respectfully,

JAMES TANNER,
Commissioner.

Hon. GEO. W. COOPER, M. C.,
Columbus, Ind.

TESTIMONY OF MORRIS KETCHAM.

MORRIS KETCHAM, sworn and examined:

By Mr. COOPER:

Q. Are you employed in the Pension Office?—A. Yes, sir.

Q. What is your station?—A. Supervising special examiner.

Q. How long have you been in that capacity?—A. About three years.

Q. I will ask you if you ever borrowed money from any one of the examiners under your control during that time?—A. I decline to answer that question. I will make this statement, however, I never borrowed any money to influence any official act of mine whatever.

By Mr. COOPER:

Q. If you will state the fact the committee can decide whether it was done for any purpose or not?—A. I do not think that is a fair question; I do not think it is a proper question; if you will ask me any specific question in regard to any specific party I will give you an answer and an explanation. I do not think it is right to make any inquiry into my private affairs here. If you will make it any particular question I will answer it. I do not think it is necessary for you to make an inquiry into my private affairs.

Q. I will ask you if you ever borrowed money from those under you in that position as supervising examiner?—A. I decline to answer that question. Any specific question you may ask I will answer.

Mr. DUNGAN. Do we understand by that you decline to state the names of anybody; but if he knows the names of anybody and asks you you will tell that?

A. Yes, sir; I will state.

By Mr. COOPER:

I will ask you if you borrowed money from Paul E. Williams?—A. Yes, sir.

Q. How much?—A. Never while he was a special examiner on duty in the field.

Q. When did you?—A. After he vacated his position as special examiner.

Q. What position did he occupy at the time?—A. He was a special examiner, but not in any way connected with me. He was at that time endeavoring to secure a transfer to the Post Office Department.

Q. At the time you borrowed the money?—A. He was in Washington on leave of absence, endeavoring to secure a position as post-office inspector.

Q. He was still on the roll?—A. I don't know.

Q. Had he been called in from the field?—A. He was not called in from the field at all. I had no control over him.

Q. Were you a particular friend of Green B. Raum, jr., at that time?—A. Yes, sir.

Q. Was he present at that time?—A. No, sir.

Q. Where was the money borrowed?—A. At the Pension Office.

Q. What was the amount of it?—A. Two hundred and fifty dollars.

Q. Have you paid it?—A. Part of it.

Q. How much?—A. Fifty dollars.

Q. When?—A. I think the last payment was about a year ago.

Q. I will ask you if you did not also borrow money from another special examiner, whose name I do not now recall?—A. I want you to distinctly understand in regard to this matter that I had no supervision over Mr. Williams whatever.

Mr. DUNGAN. Was Mr. Raum in the Department at the time that happened?—A. Yes, sir.

By Mr. COOPER:

Q. I will ask you if you did not borrow some money from a special examiner whose quarters in the field were at St. Louis; did you not borrow some money of him?—A. Yes, sir.

Q. How much did you borrow?—A. I think I borrowed $50 from him.

Q. Who was he?—A. His name was Waterman.

Q. Have you paid that back?—A. No, sir.

Q. How long since you borrowed that?—A. I don't remember.

Q. Where was it done?—A. In the first place you put me in a false position in this matter.

Q. Just answer the question.—A. At that time he was not a special examiner in the field.

Q. Where was he?—A. A clerk in the office.

The CHAIRMAN. In your division?

A. No, sir; he was at that time in the medical division, and not connected with the special examination division at all.

By Mr. COOPER:

Q. How did he get into the field?—A. Not through my instrumentality.

Q. Did you sign any recommendation there for him?—A. No, sir.

Q. Did young Green B. Raum send him out?—A. No, sir; not that I know of.

Q. Did he have anything to do with it at all?—A. No, sir; he had nothing to do with it so far as I know. This matter was a private matter between him and me.

Q. How long after that before he went into the field?—A. I should imagine six or eight months.

Q. Could you give us the date of it?—A. No, sir.

Q. Did you give a note with it?—A. Yes, sir.

Q. Any security on it?—A. No, sir.

Q. He has got the note yet?—A. I presume so.

Q. What other person in the Pension Office did you borrow money from?—A. I won't answer that question; I don't think that is a fair question; I will answer any specific question.

Q. You will only answer those I have found out?—A. I think I have answered these very satisfactorily.

Q. Have you borrowed any money from any special examiners in your division?—A. I decline to answer that question.

The CHAIRMAN. You had better answer it. Won't you answer the question?

The WITNESS. I decline to answer that on the ground that it is a private matter entirely.

The CHAIRMAN. It has been up before the committee quite a number of times and it is the unanimous desire of the committee that these questions should be answered. It is not for the purpose of inquiring into your private business.

The WITNESS. I have answered two questions already and shown conclusively they were not in my division.

The CHAIRMAN. Mr. Palmer, please read the question.

(Question read by reporter.)

The CHAIRMAN. I think that is proper. I think one or two witnesses have taken counsel and then came back here and answered those questions. Won't you answer?

The WITNESS. I don't care to answer that question.

The CHAIRMAN. I think you ought to answer it?

The WITNESS. I am willing to answer any specific question asked me.

The CHAIRMAN. That is specific.

The WITNESS. I don't think so.

The CHAIRMAN. It does not make any difference who the man is if he is in your division.

The WITNESS. I don't care to answer that.

The CHAIRMAN. If it is an innocent transaction you ought not to be

ashamed to tell it, and if it is not an innocent transaction we ought to know it, as long as we conduct the investigation impartially and honestly. Will you answer? This is all legitimate. You have had no trouble with your chief, and I presume you will have no trouble with this committee.

The WITNESS. I will say I never did anything but what was legitimate in my life.

The CHAIRMAN. That is probably so, but won't you answer this question?

The WITNESS. I don't think I will; I don't want to answer that, judge.

The CHAIRMAN. All right, then, we will have to call you back again after the committee in executive session has discussed the question, when the committee has a quorum here.

(Judge Payson advises witness to answer question.)

The WITNESS. Well, I would just as leave answer it; there is one other gentleman I borrowed $20 of, a special examiner——

By Mr. COOPER:

Q. What is his name?—A. W. L. Vanderlip, at Dayton, Ohio.

Q. When did you borrow that?—A. Last January, when he was here on leave; I told him I would send it to him in a few days, but I have not sent it yet. I intend to do it, however, as early as possible.

Q. Where was he then stationed?—A. At Dayton, Ohio.

Q. Had you charge of his work or the disposition of it?—A. Yes, sir.

Q. He was here on leave of absence?—A. Yes, sir.

Q. What other person have you borrowed money of in your division?—A. That is the only one under my supervision.

Q. That you recollect of now?—A. Yes, sir.

Q. That is the only one you are indebted to under your supervision?—A. Yes, sir.

Q. You are sure of that?—A. Yes, sir.

Q. Who had charge of the sending to the field of Mr. Williams. Under whose charge was he?—A. He was under charge of the chief of the division; he was in what is called the Northwestern district; I think he was under Mr. Greenawalt's supervision at the time.

Q. At that time?—A. Yes, sir.

Q. Was Theodore Smith in the office at the time Williams was in the field, at the time Smith became chief of the S. E. division?—A. Mr. Williams was in the field at the time Mr. Smith became chief of the S. E. division.

Q. Were you a particular friend of Mr. Smith?—A. Yes, sir.

Q. You associated with him at that time?—A. Yes, sir.

Q. Did you pay any of this $250 you borrowed of Mr. Williams to Mr. Smith?—A. No, sir. This transaction I had with Mr. Williams was after he had practically severed his connection with the Bureau. Mr. Smith knew nothing about it or anybody else; he had been recalled from the field and was endeavoring to secure a position as post-office inspector.

Q. Who had recalled him?—A. I don't know; I think he came in on leave.

Mr. COOPER (to Mr. Greenawalt). Mr. Greenwalt, do you know whether Mr. Williams was called in?—A. I know just before he was transferred from the Bureau he came in on leave and he came to secure his transfer to the Post-Office Department, when he severed his connection with the Pension Bureau.

Q. Who had supervision over him when he came in?—A. I had supervision over him. He was on his annual leave. At least that is my present recollection of it.

Mr. COOPER (to the witness). What official relation did he sustain to Mr. Theodore Smith?—A. He was chief of the division.

Mr. COOPER (to Mr. Greenawalt). Do you know whether his retirement from that branch of the service was voluntary?—A. Yes, sir; entirely so. He was one of the best special examiners in the field.

The WITNESS. I might state that he and I had been friends ever since my connection with the Bureau, or I should say his connection with the Bureau.

By Mr. COOPER:

Q. Did you correspond with him?—A. Yes, sir; sometimes.

Q. Is that his signature at the bottom of that letter [hands letter to witness]?—A. Yes, sir.

Mr. COOPER. I will offer that letter in evidence.

Judge PAYSON. Let me see it.

(Mr. Cooper hands letter to Judge Payson).

Judge PAYSON. That is clearly incompetent, Mr. Cooper. Now, as a lawyer, do you think that is competent here either as against the Bureau or against the witness, and I have only read the first three lines.

Mr. COOPER. They are a little ugly.

Judge PAYSON. Without any regard to that, do you think that is competent?

Mr. COOPER (to the witness). You said you were very good friends, didn't you?

A. I said at the time the negotiation was made we had been very good friends. I did not say at the present time.

Judge PAYSON. You would not insist upon that after my suggestion, would you, Mr. Cooper?

Mr. COOPER. I think it ought to go in.

Judge PAYSON. Oh, no, you don't; you don't think that letter is competent?

Mr. COOPER. All right, then; I will not insist upon it.

Judge PAYSON (to the witness). In justice to yourself, you may state, so the record will show, whether any of the loans you have made of any of these people had anything to do with your official action, either in the present or in the past or future?

A. No, sir; none whatever; entirely independent of anything official.

Committee adjourned until Monday, May 2, 1892, at 12 o'clock m.

WASHINGTON, D. C., *Monday, May 2, 1892.*

The committee met at 12 m.

Present, the chairman (Hon. H. H. Wheeler), Hon. Irvine Dungan, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

M. B. BAILEY.—Recalled.

By Mr. ENLOE:

Q. I want you to look at that jacket in this Legg case—and I shall also ask Mr. Coleman not to leave, as I wish to examine him in regard to it—and tell me whether those are all the papers in that case.

Judge PAYSON. Is that the Topeka attorney?

Mr. ENLOE. Yes, sir.

The WITNESS. I can not tell you that. I did not handle that originally at all.

Q. Could Mr. Coleman tell me that?—A. Yes, sir.

Mr. ENLOE. You may step aside then and I will call Mr. Coleman.

TESTIMONY OF R. S. COLEMAN.

R. S. COLEMAN, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. R. S. Coleman; age, 25 past; occupation, clerk in the Pension Bureau. At present, local residence Washington, D. C. My legal residence is Richmond, Va.

Q. State if you please what connection you have with the Pension Office, what your business is.—A. I am engaged in the law division; my immediate work is to consider complaints against attorneys and prepare letters for the Secretary of the Interior relative to their disbarment and so forth.

Q. Will you look at the jacket in this case and see what papers should be on file in this Legg case according to that jacket?—A. That would be rather a hard matter to say.

Q. You can read the indorsements on the jacket; haven't you examined the papers in this case? I called your attention to it the other day.—A. I did with reference to this last indorsement, February 5, 1891. I have not examined them with reference to any other.

Q. I will ask you if what appears there should be in the record or whether there are any examiners' reports in this case?—A. Nothing, sir, from this jacket.

Q. Nothing from the jacket?—A. No, sir.

Q. Does not the jacket usually show what is contained in the papers?—A. No, sir.

Q. It does not usually show that?—A. No, sir.

Q. Then I will ask you to look at these papers and see what examiners' reports you do find. What is that jacket kept for?—A. For keeping the papers of the personal file.

Q. What are the indorsements?—A. Of the letters written, of the substance of the letters written.

Q. Is there a paper in this case, or should there be a paper showing what papers belong to this file?—A. No, sir.

Q. You don't keep any sort of a memorandum that shows what papers belong in a case?—A. No, sir.

Q. Suppose that the papers in a case were taken out, how could you tell?—A. In this particular case there should be a paper in here showing the basis of that letter—some paper to show that.

Q. What is that indorsement there?—A. "February 5, 1891, to show cause in fifteen days why, for illegal practices, he should not be disbarred."

Q. What is that date?—A. February 5, 1891.

Q. Now look and see if you find any such paper there.

Judge PAYSON. In other words, that means he was called upon to show cause.

A. Yes, sir.

By Mr. DUNGAN:

Q. And that letter was based on something that ought to remain with those papers?

(Witness examines jacket.)

A. I find a letter written to the Pension Bureau by the United States attorney at Topeka on the 15th day of December, 1890, relative to improper practices by Mr. Legg in his office.

By Mr. ENLOE:

Q. Will you state what reference that letter makes to other papers, if any; just glance over it and see what reference it makes to other papers, if any at all?—A. Well, the United States attorney, in his letter of the 15th of December, 1890, says, "herewith I inclose a certain lot of affidavits."

Q. Does he mention whose affidavits are inclosed?—A. No, sir; not directly. He refers to a man by the name of Burke, but does not say he made any affidavit directly, and he also refers to a Miss Stuart, but does not say she made any affidavit.

Q. See if you find any reference to the affidavit there.

Judge PAYSON. Would you not save time, Mr. Enloe, to get at it in a conversation with the witness as to what it does or does not show? You can get it in much quicker in that way than to go on like this.

A. I don't see any reference in his letter of the 15th. In glancing over these letters I do not find any reference to those affidavits. It seems to refer to a letter before the Patent Office. This is a second letter.

Q. Then I will ask you if you do not know about that—if that letter was based upon charges that had been filed against Legg?—A. Yes, sir.

Q. This letter then ought to show what the charges were that were preferred against Legg at that time—this letter of the Commissioner notifying Legg to make his defense?—A. This is a copy from the response of Legg or his attorney. This is a copy filed here, and in connection with that is Legg's defense against these charges.

Judge PAYSON. Put it all in if you want to. Let it show what it shows or what it don't show.

The WITNESS. It refers to the same charges we have been talking about.

By Judge PAYSON:

Q. Do you know whether this letter he showed you is a copy of some letter upon which it is based?—A. Yes, sir; I think it is.

By Mr. ENLOE:

Q. That is dated February 5, and this is February 9?—A. I can explain that. The letters when they are written are indorsed on the jackets the date that they are written, and the typewriters get behind and date the letters when they get to them.

Judge PAYSON. Consider that in if you like.

Mr. ENLOE. All right; I wish to introduce it in evidence.

The following is a copy of the letter referred to by witness:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., February 9, 1891.

SIR: I have to inform you that evidence has been filed in this bureau showing that you make it a practice to have the clerks in your office sign declarations for pension *and affidavits* as witnesses, when as a matter of fact they do not see the person exe-

cuting the paper sign his name, and in many cases of identification they do not know the parties. The evidence also shows that notaries public employed in your office often sign jurats and affix their official seal to papers which are not executed in their presence, and that you administer oaths without authority for so doing and have a notary public sign the jurats and affix his seal. The evidence also shows that you prepared and filed in this bureau the declaration for pension of one George W. Mayhall with a jurat and notary's seal attached, when as a matter of fact an oath was not administered to the claimant.

Fifteen days will be allowed you within which to make answer and show cause why for these illegal practices you should not be disbarred from practice before this bureau.

Very respectfully,

GREEN B. RAUM,
Commissioner.

A. M. LEGG,
(Care David A. McKnight,)
Washington, D. C.

By Mr. ENLOE:

Q. I will ask you if you know what action was taken on the report of Special Examiner Cox that seems to have preceded this?—A. I do not, sir.

Q. Does the jacket show that any letter was ever written to Legg, calling upon him to meet that report and the accompanying affidavit?—A. This report is dated April 23, 1888, and the letter addressed to Mr. Legg by the Pension Bureau on the 3d of May, 1888, calling upon him to make answer to the charges. I suppose that is based upon this report.

Q. Do you know what disposition was made of these charges, or whether he made a defense or not?—A. I do not, sir.

Q. Does the jacket show that any further action was ever taken in the case?—A. I could not say; here is an indorsement on the jacket, "April 9, 1889," but I don't know whether any action was taken on that or not, sir.

Q. Is that another charge?—A. It seems to be; I don't know; I did not have that work to do at the time.

Judge PAYSON. That is before you had charge of that work?

A. Yes, sir.

Mr. ENLOE. Isn't that the same charge this report relates to, charged with receiving part of his fees in advance, and called upon to answer in thirty days; is not that the same matter that this examination relates to?

Judge PAYSON. Do you know anything about that?

A. No, sir.

Judge PAYSON. Then put in all the papers.

By Mr. ENLOE:

Q. How long have you been in there?—A. I have been in the law division since the 8th day of October, 1887.

Q. You have been there since 1887?—A. Yes, sir.

Q. Familiar with this business there in the office and having special charge of that work?—A. I was put in charge of this business about the last of April, 1889. I had entirely different work before that time.

Q. Isn't that about the date that indorsement was made?—A. This was on the 9th of April, 1889.

Q. From that time, when this indorsement was made there, do you know whether there was any other action taken there in Mr. Legg's case except what appears here on the subsequent indorsement, February 17, 1890?—A. I could not say, sir.

Q. Not as far as you know?—A. No, sir; not as far as I know.

By Mr. BROSIUS:

Q. I will ask Mr. Bailey if Mr. Legg was disbarred at that time?

Mr. BAILEY. I think not, sir.

Q. If there was a recommendation made for his disbarment at that time would it not appear on this jacket?

Mr. BAILEY. The proof of that is the letter copied in the book.

Judge PAYSON. In the letter book?

A. Yes, sir.

By Mr. ENLOE:

Q. Do you know as a matter of fact of his having been disbarred?—A. I do not remember of its having been done.

The CHAIRMAN. There is no claim that he has been disbarred, is there?

Mr. ENLOE. No, sir; and I want to show that he has not been.

Mr. BROSIUS (to Mr. Coleman). He has not been, has he?

A. No, sir; I think not.

TESTIMONY OF T. FLETCHER DENNIS.

T. FLETCHER DENNIS, sworn and examined.

Mr. ENLOE. I want to put in evidence the special examiner's report in this case made by Mr. Cox and the special examiner's report made by Mr. Brooks, and the evidence upon which those examinations were made, but the Brooks part of it is already in. I wish to put in this other part.

By Mr. ENLOE:

Q. I will ask you, Mr. Dennis, if you know anything about an investigation of these charges upon that letter you hold in your hand there, from the district attorney at Topeka, Kans.?—A. Yes, sir; I do.

Q. Is that the basis on which the investigation was ordered?—A. This, together with the affidavits inclosed with it.

Q. Do you know anything about the affidavits inclosed with it?—A. I could hardly call them by name.

Q. Had you been an examiner in the field for a number of years before November, 1890?—A. I had been, and was called in and assigned to the law division, and placed in the criminal section under Mr. Pierson. Not very long after that, these charges came in and the papers were handed to me to consider, and if it was thought desirable to investigate the matter further, that I should prepare the order for the investigation. I see here on December 17 I wrote to the United States attorney—that was in 1890—that this letter of his had been received, and that the matter would receive due consideration. On the 20th of December, 1890, all of the cases referred to, that is, the pension claims, were drawn from the southern division, and all of those cases were sent to the special examination division, as I have indorsed it here for further examination, as to the practices of A. M. Legg, attorney. Those papers were sent out, with a letter prepared by myself and signed by the Commissioner, directing an investigation in each case. As I remember, I wrote one quite long and explicit letter, and then wrote very brief letters in each other case, referring to my letter in the first-mentioned case for further instruction.

Q. Do you know who conducted that investigation out there?—A. Yes, sir; this letter from the United States attorney asked that the papers be sent to C. B. Anderson, a special examiner at Kansas City.

Q. Was he the nearest examiner?—A. No, sir; there was one stationed at Topeka, I think, by the name of Okey.

Q. Do you know the reason why he requested that the papers should go to Anderson instead of Okey?—A. Mr. Anderson has for a long time been considered more than an usually efficient special examiner in the office. He is not in the office now. He had a great deal more experience in criminal investigation than Mr. Okey. I was a little wrong a minute ago—these letters were addressed to the chief of the examination division and signed by the chief of the law division, and in the letter sent to the chief of the special examination division we suggested that the matter be sent to Mr. Anderson as requested by the attorney.

Q. Do you know whether Mr. Okey had previous to that time anything to do with investigating charges against Legg?—A. No, sir; I don't know it, and I don't think he had. I am not aware that he had.

Q. Do you remember whether or not there were charges preferred by R. A. Davidson, and that Mr. Okey was directed to examine into the charges which Mr. Davidson had made?—A. I don't think there was any investigation made by Mr. Okey, except in pursuance of this matter, and these charges that came from Mr. Davidson came in directly to the office through the United States attorney. They did not come through Davidson directly.

Q. There was an effort there to indict this man Legg in the Federal court, and that was what the district attorney had to do with it?—A. Legg and Davidson had been partners; in settling up their business there had been a great deal of misunderstanding and disagreement, and I think it went so far that Mr. Davidson sued Legg in the United States court, and I think that really is the first way it came in the United States court; and any efforts that were made prior to this to indict Legg I don't know anything about.

Q. What was the object of the district attorney in calling the attention of the Bureau to these matters referred to in that letter; what was his purpose in doing that?—A. I think he states his purpose here, to the effect that he believed that Legg was following improper practices in his business with the Pension Bureau. He says: "That I believe that an investigation would result in the benefit of the public service." That is the way he words it.

Q. You did not go yourself to examine into the matter?—A. Not at that time. I never went for that purpose.

Q. Did Mr. Anderson at that time make an investigation?—A. No, sir.

Q. Why not?—A. The papers were not sent to him.

Q. Whom were they sent to?—A. To Mr. Okey.

Q. Why did he not examine into it?—A. He did.

Q. Where is his report?—A. He made quite an extensive examination, and in the regular order of business his report came to me in the office. His report came to me for review, but in the interval—I am a little wrong there. In January following this I was sent to Mississippi to attend court in connection with some prosecutions I had instituted there, and his reports came in during my absence, and as soon as I returned I went to work in the chief's room. I was detailed to the chief's room, to Mr. Bailey, to help him with miscellaneous matter, and I saw this report that came to Mr. Bailey's desk, and he turned it over to me. I had that in my charge for a considerable while in February, 1891.

Q. What did you do with that and what steps did you take?—A. You will understand that, in addition to the letter directing the investiga-

tion, we sent all the papers, all the files of the Bureau in the cases to which those affidavits had referred, and I think there were eight or ten of them. I drew them mainly from the southern division, the larger amount of them being negro cases, and those were returned with a separate report in each case, prepared in the usual form like this. It was quite voluminous, and it was an important matter, of course, and not hastily passed over, and I kept them in my desk for a while. Mr. Legg had notice of the charges, and came on here, and came to the Pension Office several times to see about it, and brought with him some man whom he had employed as his attorney.

Q. Was it David A. Knight?—A. Yes, sir; Knight or McKnight.

Judge PAYSON. That is McKnight.

WITNESS. They had access to these papers, to the charges, and to Okey's report, and they made some sort of a reply which I know very little about; they made an answer in writing and any further action I had no connection with, only that these cases were returned to their respective divisions, to be acted upon on their merits. They had been held up and kept out of the files and finally returned to the files, and Oakey's report in each case went to the files with that case, as I understand it, and I took it upon myself to make an abstract of it, written on the typewriter, of his report in each case, to go into these criminal files, and I supposed it went there.

Q. I wish you would see if they went in there?—A. I made that memorandum to go into the cases so that when the matter came up they would know what the report was. I have been noticing around here among these papers and I don't see anything that seems to be large enough.

Judge PAYSON. What is the substance of the finding?

A. I know what his recommendation was.

The CHAIRMAN. Let us have it, then.

A. He stated pretty flatly that he thought there had been improper practices in Mr. Legg's case, but he did not think the evidence produced would justify criminal prosecution, but he recommended that Mr. Legg should be disbarred, and I think the lady notary in his office he also mentioned and recommended that she be not recognized as a notary public before the office; that her official acts be not recognized.

Judge PAYSON. In that connection, whatever was done in your division, did it go into the books; was anything entered of record on your books?

A. Undoubtedly; there is a press copy of the letters I sent out.

Q. After the reports came in and it came before you for action, first, some action would be recommended in your division?—A. Yes, sir.

Q. Was there any action which went upon the letter books?—A. My recollection is, although I had not any personal charge of that, that a letter was sent to Mr. Legg stating that in view of the answer he had made—I think it intimated that his action could not be approved, but that no further steps would be taken against him for the present. I remember seeing that letter in some incidental way.

Q. That was the action in the division?—A. Yes, sir.

Q. Do you know whether that ever got to the Commissioner?—A. I think that that action was taken by him personally.

By Mr. ENLOE:

Q. He would have seen that letter anyway?—A. Of course; letters of that kind are brought to his attention and I have an impression in this case, however, that he took personal cognizance of the matter and of the action that was taken by the law division.

Judge PAYSON. Is your recollection clear as to that?—A. No, sir; I can not say for certain.

Q. You don't know, then, whether the matter was disposed of at the time Mr. Legg and his attorney came there to look after it, or whether that examination of Okey's was had, and it was after the examination made by Okey and after Okey's report?—A. His report was all in at that time, and it was immediately after that that it was disposed of.

Q. You don't know whether it was disposed of without the recommendation of the law division or not?—A. I don't know; whatever recommendation was made by the law division must have been verbal, and I think it was at the time.

The CHAIRMAN. Who was the chief?—A. Mr. Bailey.

Mr. ENLOE. (To Mr. Bailey.) Do you remember about that, Mr. Bailey?

Mr. BAILEY. I remember Mr. Davidson was there when Mr. Legg was, both fighting for the office, and they wanted us to take up the fight to see who was entitled to his share of the business, and that, I think, we refused to do, and I think Mr. Dennis will recollect that Mr. Davidson came in with his attorney and wanted to copy everything in the papers.

The CHAIRMAN. Did you make any recommendation to the Commissioner in the Legg case?

A. I don't remember about that.

Mr. ENLOE. (To Mr. Coleman.) Do you remember, Mr. Coleman, what disposition was made of it at the time?

Mr. COLEMAN. No, sir; I do not recall.

The WITNESS. I am sure there is a brief letter in the letter book notifying him that no action would be taken in the matter.

The CHAIRMAN. Do you know who signed that?

A. The Commissioner, doubtless.

By Mr. ENLOE:

Q. I will ask you if that copy you made of Mr. Okey's report, when those papers were returned to the files, whether it was intended that those papers were to be kept there?—A. Yes, sir; that was my object in putting them there.

Q. And they should be there now?—A. I think Mr. Bailey told me to send the cases to their respective places in the files; but I, of my own motion, thinking these papers ought to show something in regard to the case, in case anything should come up in the future, made that reference, referring to the papers by name and number.

Judge PAYSON. To avoid confusion?

A. Yes, sir.

By Mr. ENLOE:

Q. Do you remember if Mr. Oakey resigned from the service?—A. Yes, sir; he did.

Q. Do you know whether he went into partnership with Legg?—A. Yes, sir, he did.

Q. What year was that?—A. 1891.

The CHAIRMAN. After he had recommended his disbarment?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you know whether the law prohibits examiners entering into a partnership until a certain time after they resign?—A. I hesitated in answering that other question for the reason that the partnership is nominally between Mr. Legg and Mr. Okey's wife, but the practice

with reference to new business is with Mr. Okey, and Mr. Okey is the actual partner. In answer to your last question, the law prohibits an employé in the office from being recognized as an attorney in cases which were pending during his continuance in office, until after two years from the time of his severing his connection with the office.

The CHAIRMAN. Do you know whether this man was recognized by that Bureau within the two years?

A. The firm, I know, filed cases. I was in Topeka when he resigned. He told me he was going to do so before he did so. The firm was A. M. Legg & Co., after this partnership was formed between Legg and Mrs. Okey or Mr. Okey, and that firm was recognized in business that formerly belonged to Legg.

Q. How soon after Okey went out of the service?—A. Almost immediately.

Q. Who was the company?—A. Mrs. Okey.

Q. How long before he became the company?—A. I am not aware, as I say. I don't know whether he, by name, has ever been recognized as part of the firm or not; as a matter of fact, of course, he has charge of the business of the firm.

Q. He has?—A. Yes, sir.

Q. He has been the acting man of the company?—A. Yes, sir.

Q. For how long?—A. Since about May, 1891.

Q. What time did the wife go in?—A. His resignation was the latter part of April and the firm was organized at once.

Q. Did the Department know he was taking this active part?—A. Yes, sir; there was no concealment about it in any way.

By Mr. ENLOE:

Q. Did you send copies of the evidence that was taken to the United States district attorney at Topeka?—A. No, sir; I think the district attorney—I don't know as I ought to speak of what I think.

Q. You may go on and state it.—A. I think the district attorney saw the report before he sent them to the office. I think everything Mr. Oakey did was with the full knowledge of the assistant district attorney at least.

Q. Did you make an investigation there?—A. Yes, sir; the 15th of April, 1891, I was subpœnaed to Topeka, Kans., to attend the United States court in regard to a prosecution that I had instituted there at the time I was a special examiner in that district myself, and while there the assistant United States attorney, Mr. Soper, intimated to me that he wanted a further investigation made in this Legg case; but I had no authority to undertake it, of course, being there on different business; so he telegraphed to the Commissioner, asking him to instruct me to make certain investigations for him, without specifying the nature of them. In response to that the Commissioner immediately telegraphed me, I think, or to the attorney that I should make such investigation as the United States attorney desired. Thereupon he furnished me with certain data, and I made a short investigation, taking six or eight depositions; and I embodied those in a report which I addressed to the Commissioner of Pensions. Then I was ordered from there to Mississippi, and went there early in May.

The CHAIRMAN. Did you make any recommendation in that report?

A. I presume I did. We are required to make some kind of a recommendation, but I have no recollection of what the recommendation was. The evidence I took was all in line with that previously taken by Mr. Okey and of a very similar character. It related to different cases,

but it was cumulative. It was practically of the same character that Mr. Okey furnished.

By Mr. ENLOE:

Q. That evidence was tending to show improper practices on the part of Mr. Legg as a pension attorney?—A. Yes, sir; I met Mr. Soper on the street the day I was leaving and he asked me to make a report to him and I told him I did not think that would be proper, and he asked me to turn the matter over to him, and inasmuch as my instructions had been to make the investigation for him and he asked me to turn the result of my investigations over to him, I did so. When I came back to the office here, when I got home from Mississippi and made some inquiry in the criminal section as to what action had been taken on this report of mine, I was informed it had never been received and I don't think the United States attorney has ever sent it in.

Judge PAYSON. Was an indictment found out there?

A. No, sir; the matter was never presented to the grand jury.

By Mr. ENLOE:

Q. Those papers, then, should be in the possession of the United States district attorney out there, or in the possession of the Pension Office?—A. Yes, sir. I have no doubt that report is in the possession of the United States attorney.

Q. You don't know whether or not the Pension Office made any effort to get that report, do you?—A. No, sir; they probably did not, because they had no official notice of the character of it.

Q. It was understood that that was taken for the guidance of the district attorney out there?—A. It was so understood between him and myself, and, as I said, the telegram to the Commissioner didn't indicate what the investigation was to relate to.

Q. Did he then tell you he would send it to the Commissioner of Pensions?—A. No, sir; I don't think I ever asked him. I was there last fall, but I don't think I ever asked him. I was there, but I don't remember that I inquired as to the disposition of it.

Q. It was a very proper matter, was it not, to bring to the attention of the Commissioner of Pensions in connection with these proceedings of the Department?—A. I think so. I know of no reason why he should not have sent it.

Q. You have never stated anything to the Commissioner of Pensions about it, have you?—A. No, sir; I did speak to Mr. Pierson, who had charge of the criminal section, to ask him what action had been taken upon it, and he did not seem to understand what I referred to, and I told him I made this investigation on telegraphic orders, and he referred to his books and said it had never been forwarded.

Q. Would it not have been a proper thing for the law division to call for that report in connection with these proceedings?—A. Quite so, and not improper not to do so, I should judge; as it was done in some sense as an accommodation for the attorney, my investigation was at his instance, and that left him to take what action he thought fit.

Judge PAYSON. He taking no action whatever with reference to it, that was the end of it?

A. Yes, sir; I suppose he assumed it was of not enough importance to act upon.

Mr. ENLOE. Did you say that that evidence was cumulative of the evidence taken by Mr. Okey?

A. Yes, sir.

Q. And upon which these proceedings were instituted for his disbarment?—A. Yes, sir; it related to five or six additional cases of a similar character.

Mr. BAILEY. I would like to add a word with reference to attorneys being admitted to practice—those who formerly had been employed at the Bureau. No attorney is allowed to be an attorney and practice as such, who has been in the employ of the Government, for two years after his resignation, or the time of his severing his connection with the service, in any claims that were pending at the time he did sever his connection; but it is a common practice for the clerks to resign and immediately begin practice before the Department in new claims; and that was the understanding in this new firm of Legg & Okey.

Mr. COOPER. Why did he conduct the business in the name of his wife then?—A. I don't know. I don't know as it is so. Mr. Dennis has said so, and he probably knows about that, though. There was no objection to his taking up cases in his own name.

By Mr. ENLOE:

Q. Do you know whether there would be any objection to his taking charge of claims that were pending at the time he went in as a partner?—A. No, sir; nor his wife either.

Q. You could not know whether the fees in those cases were divided between Legg and Okey or Mrs. Okey?—A. No, sir; we did not know anything about the arrangement, but if any claim was found by an examiner there over the firm name of Legg & Okey or Okey & Legg, attorneys, he would not have any right to certify it to Legg & Okey.

Q. This examiner could let Legg avail himself of the information he acquired as an examiner in the office and use that in the prosecution of these claims?—A. Yes, sir.

Q. And then he could divide the fee afterward?—A. Yes, sir.

Q. It was simply the question as to who should be recognized as the attorney of record?—A. In new claims.

Q. How about old claims?—A. The attorney of record had already been established as Legg; the department recognized that, and the fees were paid to Legg.

Q. But you would not recognize any arrangement by which they had agreed to prosecute them together?—A. We would stop it if we discovered it.

Q. Don't you think the statute is for that purpose?—A. It has never been so considered.

Q. Don't you think that is a liberal construction for a man who goes immediately after severing his connection with the office and forms a partnership? don't you think that is going beyond the province of the law?

Judge PAYSON. Does that come within the province of the witness?

Mr. ENLOE. I suppose he is a judge of the law.

WITNESS. We have had just such questions raised and we have decided that one who has been connected with the department has the right to step into a practice if he goes into new claims, but he has no right to be connected with a claim that is pending before the department when he resigns; and that rule is an old one.

By Mr. ENLOE:

Q. All that is necessary for him to do to get an interest in these old cases is to go in with an attorney who is already represented?

Mr. COOPER. Is it usual or customary or lawful for a man and his wife to work together in the pension business and carry on the pension

business in the name of one and have the wife act as a notary public in the same cases?

A. No, sir; we have stopped that; I think that is one of the complaints against Legg; if I recollect right his wife or chief clerk acted as notary public in his office. People came into his office and he had a clerk ready to execute his papers, but on account of the advantage or danger that might arise from that practice it was stopped.

Q. Did you ever have your attention called to the fact that this man Morgan, of Bloomington, Ind., was doing that kind of business?—A. No, sir; I never did.

Committee adjourned until to-morrow morning at 10:30.

WASHINGTON, D. C., *Tuesday, May 3, 1892.*

The committee met at 1 p. m.

Present, the chairman (Hon. H. H. Wheeler), Messrs. Dungan and Brosius of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF CHARLES ALFRED DE ARNAUD.

CHARLES ALFRED DE ARNAUD sworn and examined.

The CHAIRMAN. I wish to state to the committee that I met Judge Payson this morning and he said Mr. Bailey of the law division of the Pension Office would act in his place, and if there was not a quorum of the committee present to go ahead anyway.

By Mr. ENLOE:

Q. State your name, age, residence and occupation.—A. My residence is 1404 L street, in Washington, and Carlton, Bergen County, N. J., is my country residence. I have got my winter residence here and summer residence in New Jersey.

Q. You appear before the committee in pursuance of a statement you submitted a few days ago in writing?—A. Yes, sir; I do.

Q. How long have you been acquainted with Gen. Raum, the Commissioner of Pensions?—A. I refreshed my memory this morning, and it is from April 18, 1886. From documents I have, I refreshed my memory.

Q. Through whom did you make his acquaintance?—A. It was through Gen. John B. Turchin, of Radom, Ill. I have been acquainted with Gen. Turchin in the Western army, as well as in Russia, where we served in the same service there.

Q. What was the occasion of your introduction to Gen. Raum?—A. I had then a bill pending in the Senate on a contract which I had with the Government; I think it was $50,000—that is, the contract—and I had no counsel; so Gen. Turchin, in speaking to him about it, he says, "I can not carry it through myself, and I must have counsel," and I said, "I don't know whom to employ," and he says, "I know a man by the name of Green B. Raum."

Mr. BAILEY. Mr. Enloe, I want to put in an objection to the introduction of any evidence on the part of this witness relating to Gen. Raum before he became Commissioner of Pensions.

Mr. BROSIUS. I suppose your object, Mr. Enloe, is to bring them together; then you propose to go on to some other matter?

Mr. ENLOE. Yes, sir.

Mr. BAILEY. Then there is no objection to that at all. I thought he was going over the transaction he had with Gen. Raum before he became Commissioner of Pensions.

By Mr. ENLOE:

Q. I will ask you the question, did you employ him as attorney?—A. I did.

Q. To prosecute this claim?—A. Yes, sir; but in justice to Gen. Raum I must say it was first stated to me by Gen. Turchin; after I had explained the case in regard to Gen. Fremont, who indorsed my case, as he had such great respect for Gen. Fremont, he said he would take my case and carry me through and get the recognition from the Government, and I requested Gen. Turchin to go that evening with me to see Gen. Fremont and inquire of him about my services in the Army, as well as my contract with the Government, to see whether it was true or not.

Mr. BROSIUS. I suppose further than that it does not relate to the matter in investigation.

By Mr. ENLOE:

Q. After that visit to Gen. Fremont, by yourself and Gen. Turchin, did Gen. Raum consent to take the case?—A. Yes, sir; he was very enthusiastic and consented to take it.

Q. What were the terms of your contract with him?

Mr. BAILEY. I object to this testimony and I would like to have a ruling on it.

WITNESS. Let me explain that, please, in regard to my pension claim.

Mr. BROSIUS. One moment, if you please, sir. I have not heard any date in regard to this matter and I don't know when it occurred at all, and I would like to know when this business transaction occurred you are now describing?

WITNESS. In April, 1886.

Mr. BROSIUS. Now, I understood from the gentleman who is interrogating the witness that his object was to bring these two gentlemen together. Now he proposes to go on in further detail about the business transaction between him and Gen. Raum long before he was Pension Commissioner and which has no relation whatever to the subject matter of this inquiry, in order, as I infer, to lay a foundation for an inference that Mr. Raum had some ill will or unkind feeling toward him when he became Pension Commissioner, in order to explain some official act of his when he was Pension Commissioner. Now, to state that, it seems to me, is to show very clearly its incompetency and irrelevancy. It ought not to go upon the record, and I object to it.

Mr. ENLOE. You probably were not present when Gen. Raum was examined on this point. He was examined in regard to this particular case and in regard to this first agreement. Were you present when he was examined?

Mr. BROSIUS. No, sir.

Mr. ENLOE. That is a fact; he was called in regard to this transaction and he admitted his employment in this case, at least that is my recollection.

Mr. DUNGAN. He did state that.

Mr. BAILEY. Yes, sir; that is true.

Mr. ENLOE. I don't care whether this witness states that or not; it

is already in evidence in Gen. Raum's testimony, as to what the contract was between him and this witness.

Mr. DUNGAN. And that fell through on account of his not wishing to take the $5,000.

By Mr. ENLOE (to witness):

Q. Did you ever have any difference with Gen. Raum in regard to that matter?—A. Yes, sir; I did.

Q. What was the nature of that difference; how did it come up?

Mr. BROSIUS. I want an objection upon the record. I am content that the witness should say they had a disagreement or a quarrel, but I am not content to have this witness state any of the details of the circumstances of that difference. It may take pages and pages of this record.

The CHAIRMAN. I presume that will cover the ground. He stated there was a disagreement.

Mr. DUNGAN. No, it does not. Gen. Raum testified to the recovery of the $5,000 which this gentleman refused to receive under that 50 per cent contract, and at the same time he made a claim for a pension.

WITNESS. Yes, sir; at the same time.

Mr. DUNGAN. And Gen. Raum rejected that?

Mr. BAILEY. Gen. Black rejected it first—the pension claim.

Mr. BROSIUS. I will add to what I have already said upon that subject, I don't remember of any examination of Mr. Raum, but I will say if he was interrogated upon that subject it must have been by his consent, because it is entirely an irrelevant matter, and having been questioned in regard to an irrelevant matter it cannot be contradicted now.

The CHAIRMAN. The question is whether Gen. Raum acted in any improper manner in refusing this man's pension, though Gen Raum says he did not. Does that conclude the inquiry. This man says they had a disagreement about this matter pending before Congress. Now they intend to follow that up by showing some other act on the part of Mr. Raum. Suppose we leave the business transaction and it turns out that Gen. Raum had him indicted and that he was acquitted before the jury and that that was followed up by the rejection of his claim.

Mr. BROSIUS. I have objected to nothing of that kind at all. I think that would be relevant.

The CHAIRMAN. I understand that that is the offer. It is in this paper that Mr. Enloe read to that effect at least.

By Mr. ENLOE:

Q. I will ask you this, if, subsequent to this time, you made application to have your case reopened, your application for a pension reopened, in the pension office?—A. That requires an explanation in order for you to understand it, gentlemen. My pension claim was twice rejected. The first application I made was made under Gen. Black. The first one they gave me the wrong record, and on account of this wrong record Gen. Black rejected the pension until I impeached that record from the adjutant general's office.

Q. State how that was; how it was they gave you the wrong record. Did they give you the military record of another man? A. Yes, sir; by the name Alfred Arnaud, and they stuck it on, and would not take it off, and in order to correct my record I filed in December, 1889, four affidavits when Gen. Raum was already Commissioner of Pensions. I wanted to appeal from those two rejections, and not understanding the pension ways how to do with them, I stated to Gen. Fremont that I could

not get any favors from Gen. Raum because I had a quarrel with him, and perhaps Gen. Logan had told him what I said to him about it. Gen. Fremont said to me, "You get those four affidavits."——

Mr. BROSIUS. Just omit any conversation you had with Gen. Fremont.

Mr. ENLOE. Have you any letters from Gen. Fremont on that subject?—A. I have.

Q. Produce those letters. That is the best way.—A. Yes, sir, that is the best.

Mr. BROSIUS. That is not any more competent.

Mr. ENLOE. I will ask you if Mr. Raum did not state in his evidence here that you were indicted for impersonating another man?—A. Yes, sir, he said so and says so now.

Q. I will ask you if in your effort to refute that charge in the Pension Office or elsewhere you called on Gen. Fremont for any evidence to refute that?—A. Yes, sir.

By Mr. BROSIUS:

Q. To whom did he furnish the evidence?—A. To Gen. Black and Gen. Raum, both of them.

Q. What I want to know is, whether Gen. Raum has any knowledge of this matter?—A. Yes, sir.

Q. Did you ever submit those letters to him?—A. Most decidedly, he saw those letters personally. He is the one who advised me to apply for a pension. I have a certificate here from Mr. Raum's office in regard to my first application, and Gen. Raum said, after Gen. Fremont told him I was wounded in my head, which is a fact, he told me to apply for a pension. And I met Col. McLean and he said, "You don't need any lawyer." I provided the affidavits and submitted them to Gen. Raum as my counsel and he says, "It is all right," and I made out my application and filed it. Afterward the claim was rejected on the ground that I was in Company F, Fifth Missouri Volunteers, and was mustered out on the 27th of August, and therefore I was not entitled to a pension because I was not in the service at the time. I submitted that to Mr. Raum also and told him about it, and he said, "Well, get your evidence ready and the next administration will be Republican and you will get your pension." After this meeting and talk with Gen. Raum I quarreled with him and Gen. Logan must have told him what I said about him.

Q. Never mind that. You say Gen. Raum saw those letters?—A. Most decidedly.

The CHAIRMAN. Present those letters, please.

The WITNESS. This was from Gen. Fremont asking that my case be made special [handing letter to Mr. Enloe].

After the rejection, when I was fighting to get my record amended from the Adjutant-General's office, which was to the effect that I had been commissioned captain of Company F, and had been in continuous service from August 27, the date of the mustering out of the regiment, until the 15th of November, 1861, and I got a certificate from Gen. Fremont under circumstances which I will explain, stating that I was not captain of Company F and that I was not mustered out at that time, because I was on duty from the 12th of August, 1861. Mrs. Fremont and Gen. Fremont can both swear that I was not there on the 27th, not at St. Louis on the 27th, the date they claim I was mustered out. I was not there to sign the muster roll and I never signed the muster roll at all. In consequence of which he gives me the certificate to Gen

Drum, but the Pension Office dubbed me captain of Company F, of Missouri Volunteers. In my application I stated I was commissioned in the Missouri volunteers, but not in any company. Here is another letter which Gen. Fremont writes to me after the rejection of the claim.

Mr. BROSIUS. I suppose nobody will ask these letters to go into the record. They were all written during Gen. Black's time and they do not make any statements at all. They are not any evidence for or against anybody. They are simply friendly letters.

Mr. ENLOE. The record of the Pension Office shows that Gen. Fremont's certificate, which is referred to, is in the case. The papers in the case show he did furnish the certificate referred to there. I do not want to put this bundle of papers to show that fact.

Mr. BROSIUS. There is not anything in those letters that can harm anybody or help anybody. It simply swells the record and they are simply friendly letters.

Mr. ENLOE. I want to call your attention to this fact, and I don't want you to forget it, We want to show that Gen. Raum had a knowledge of this man's military record at the time he was indicted and also when his claim was pending in the office, and this information was brought to him by this correspondence while he was acting as counsel for De Arnaud.

Mr. BROSIUS. Is there anything in the letters to show that?

Mr. ENLOE. No, sir; but it refers to papers which are not in these papers but were filed in the Court of Claims.

Mr. BROSIUS. There is no statement in those letters that affect this case in any way whatever.

The CHAIRMAN. These letters bear date in 1887?

A. Yes, sir.

By Mr. ENLOE:

Q. How soon after that was it you submitted them to Gen. Raum?—A. Very soon after that.

Q. How long?—A. A day or so afterward.

Q. You were in consultation with him at that time?—A. Yes, sir; and upon the friendliest terms.

The CHAIRMAN. At this time when you showed him these letters had your first record come from the Adjutant-General's office?—A. Yes, sir; the first letter, and Raum sympathized with me and said it was a shame, because I was not the captain of Company F and never claimed I was. Never claimed I was captain in any company.

Mr. ENLOE. Now, I want to ask you how long it was after you submitted these letters, after you had your conversation with Gen. Raum about your record, that he caused the indictment to be framed against you, if he did so?—A. I quarreled with him in 1888, sometime——

Mr. BAILEY. I don't think any evidence has been introduced here or will be introduced to show Gen. Raum had the slightest knowledge of that indictment until it was brought.

By the CHAIRMAN (to witness).

Q. Do you know who caused the indictment to be brought against you?—A. Gen. Green B. Raum instigated the indictment and knew it was pending against me, and he gloated over it that he had me on a criminal technicality and he was going to keep me there. Gen. Raum knew all about this indictment, and he had this indictment brought himself.

Q. Now you say Gen. Raum knew about this indictment?—A. From the very start.

Q. How do you know he knew it?—A. If you will permit me to state a very sad incident that happened to me in this connection——

The CHAIRMAN. All right, go on.

A. I was living at Carlton; I have a residence there. All at once Col. Perry S. Heath writes me a letter, informing me that this indictment had been found against me, and sympathizing with me. I then immediately said to my wife, "I want to go to Washington," and I showed to my wife this letter in regard to the indictment. I stood pretty well at that time in my neighborhood, and for fear they would come and have me arrested, and it would become known to the neighborhood, we took a drive to make arrangements to leave, and when we returned back and I just stepped from my carriage on to my doorstep, Mr. Brooks came with a bully detective from Jersey City, who asked me if I were Charles de Arnaud, and I said, "Yes, sir——

By the CHAIRMAN:

Q. This is the same Brooks who has been before the committee?—A. Yes, sir.

Q. Was he then employed in the Pension Office?—A. Yes, sir; he said he was a deputy marshal. I said to Mr. Brooks, "I am with my wife now, Mr. Brooks, and I will attend to it in a moment. Please don't say anything about it here, because it will ruin me for life." He says, "Well, I will tell you what I have done. I have arranged with the United States commissioner, Mr. Muirhead, in Jersey City, to take bail for you, and it will be all quiet." That was at 5 o'clock in the afternoon. I said, "All right," and I went to a neighbor of mine and told him I had trouble in Washington, and asked him if he would go on my bail, and he said he would go on it in any amount. When I got to Mr. Muirhead's office he was not there, and we waited until 8 o'clock, and he did not come, and then we went to his house, and he said, "What case is this?" and Mr. Brooks said, "This is a very serious charge. I have got positive proof against that man in a case where the fine is $5,000 and seven years' imprisonment;" and he said, "What do you think the bail ought to be?" and I said I did not know, and he said, "$5,000." But I wouldn't have cared if it had been $50,000; I could have gotten the bail all right. But after Mr. Muirhead heard what Mr. Brooks said to him, he said he would not accept any bail unless the district attorney set the bail; that is, for how much, and in the mean time for them to take me to jail. I said to Brooks, "You told me a falsehood; why did you deceive me so much? You will ruin me here in a suit which I have which is pending now;" and I was sick at the time. I was just convalescing from a severe illness. He told me in the course of the conversation, which I will prove, that he acted strictly in accordance with Commissioner Raum's instructions—to send me to jail.

Q. He told you that at the time?—A. Yes, sir. I said, "I am surprised; I have been very friendly to Gen. Raum; he was my counsel, and I am surprised he would do such a thing." Mr. Brooks said, "I can not help that; you must make up with this detective," and they dragged me through the streets, to my shame, as I am so well acquainted there.

Q. Who heard the statement of Mr. Brooks beside yourself?—A. I suppose the detective did; and he left me in the hands of that bully from Jersey City.

Q. Who did?—A. Mr. Brooks did. He says, "You are in his hands." The next day I came before Commissioner Muirhead and he said he had not received news from the district attorney yet; that Mr. Brooks telegraphed in regard to the bail to the district attorney here in Washington, and he had no news yet; and he said, "As the case is serious, he says, 'Take him back to jail.'" I said, "My dear sir, I have rights as an American citizen, and I want to go to Washington at once." I said, "I am here on a requisition from Washington, and I want to go." He said, "Take him at once to jail, at all events, for the present." I said, "I want to go to Trenton," and he said, "Take him to jail to Trenton, then, if he pays the expenses;" and I had to pay very heavy expenses. Then afterwards Brooks came laughing, and he said to the detective that he had got a dead sure thing against me, and he was instructed to look after me, as I am a dangerous man. I went to Trenton, and Judge Green was in Long Branch and would not return until Tuesday, and the detective turned me over to a deputy United States marshal, and said, "I will have to take you to jail," and I said, "No, you will not." And we went to see the clerk of the United States court—I think his name is Laidlaw—and I said to him, "I am not well, and this is a blackmailing scheme against me to help a blackmailing suit pending in Jersey City, and this is all blackmailing." And we talked about it for some time, and finally he says, "I will set the bail in this case at $2,500." He sent me before United States Commissioner Roumain to get this $2,500 bail, and that cost me a great deal of trouble. I met Commissioner Roumain about 8 o'clock, and I had to take him and the detective, and I had my bail fixed; anybody would go my bail there, and I readily found the bail. And I immediately returned here. I returned here on on the 14th of August, 1890. Gov. Fletcher, with whom I had served in the Western Army, wrote me a letter that he had read it in the papers and that he knew both of us, and that he was intimately acquainted with Dr. de Arnaud and myself.

Mr. BROSIUS. You might submit the correspondence with him.

A. I have that here. Gov. Fletcher offered his services gratis to me, and it is necessary for me to state this in order to connect Gen. Raum.

Mr. BROSIUS. It would be better to go on with something in relation to the case.

A. Mr. Coleman, who had been my counsel, said he had read it in the papers, and he was surprised to hear any such thing, because he had investigated my claim in the Court of Claims.

The CHAIRMAN. He became your counsel?

A. Yes, sir. He goes the next day, after he reads in the papers that I was indicted, to Mr. Commissioner Raum and told him——

Mr. BROSIUS. You were not there?

A. No, sir; Mr. Coleman told me that.

Mr. DUNGAN. Where is Coleman?

A. He is here in the city, 1304 F street. Everybody knows him. The next day after the indictment Mr. Raum knew about the indictment, and he said he would hold me on the criminal technicality.

Mr. DUNGAN. You learned that from Mr. Coleman?

A. Yes, sir; of my personal knowledge I know he knows it. A few days after I came here I said to Gov. Fletcher and to Mr. Coleman that I have letters from Gen. Fremont; that I have been misled by the Adjutant-General's report, because that gave me that record.

By Mr. BROSIUS:

Q. With whom was this conversation?—A. With those two gentlemen.

Q. Please omit that, then.—A. I had nothing to do with Gen. Raum after this indictment. I had personal knowledge in regard to this matter, though, as we had occasion to examine those papers and we went to the Pension Office together—Mr. Coleman, Governor Fletcher, and myself—and Mr. Brooks brought these papers out; when they want all of them they have them all, and when they don't want them they don't have them, as they did in the case over at Jersey City. I was there in the office and I saw them talking with Mr. Green B. Raum, and they advised him to drop this prosecution against a man like myself, who had rendered such eminent service, and he said he would hold me where he has had me, and all that I could do was to throw myself on the mercy of the court.

Q. Did you hear that conversation?—A. I saw them there talking to him.

Q. Did you hear the conversation?—A. No, sir; I did not.

The CHAIRMAN. Who were those gentlemen?

A. Governor Fletcher and Mr. Coleman.

Mr. BROSIUS. The witness has undertaken to show a conversation, and he says he did not hear, but that they told him. You did not hear that yourself, but they told you?

A. Yes, sir; and they are here and can be called.

Q. They told you it?—A. Yes, sir; and, furthermore, I know that Mr. Raum had a great deal to do with it, because when Brooks came to Jersey City with those papers, and the animus of Mr. Raum is shown there.

Mr. BAILEY. An inspection of these papers will show the very first step that was taken in this case. It was on a letter from a chancellor in New Jersey.

The WITNESS. That is a humbug. He is not a chancellor, and the record will show it was not done so.

Mr. ENLOE. Here is a communication upon which these papers were sent out to be used in this suit at Jersey City.

The WITNESS. Yes, sir; and they have mutilated them.

Mr. ENLOE. I will read this. (Mr. Enloe reads paper.) You will see that this is the paper which called for the sending of these papers from the Pension Office to be used in that court in New Jersey.

The CHAIRMAN. You want that in evidence?

Mr. ENLOE. Yes, sir.

The WITNESS. Yes, sir; and that will connect Mr. Raum directly with this indictment. He did that to discredit me as a witness there. He came down there for that purpose; from my personal knowledge I am speaking now.

The CHAIRMAN. Whom do you mean by them?

A. This man here. I was questioned in court upon a minority report which Mr. Singleton, of Mississippi, made in regard to my gold medal which was pending in the Forty-ninth Congress. In this minority report Mr. Singleton scourges me a great deal for having rendered the services I did. He does not deny my services, but he refuses to grant me a gold medal, because, according to his notion, I acted as a spy and paraded myself as a Russian colonel and betrayed Gen. Polk and Albert Sidney Johnston. A man who was dismissed from the Pension Office here by the name of Ward was employed by those people in Jersey City, and he talked into the ears of the vice-chancellor a great many things, as he had been in the Pension Office. And so the vice-chancellor allowed me to be examined on this minority report. He asked me in what regiment or company I served. I said I did not serve in

any; I was a staff officer. He asked me what my war record was, and I said I was captain in the Missouri volunteers.

Mr. BROSIUS. The conversation you had with him should not go in at all. That matter is not relevant to this case in any way.

The WITNESS. When I said this, that I was commissioned captain, they asked me under whose name I made my application, and I said my own name, Charles Alfred de Arnaud, and this other man's name was Alfred de Arnaud.

Mr. BROSIUS. I don't think this ought to go in.

The WITNESS. Then they wrote to have this record brought up there, and this record was in the custody of the district attorney; he had indicted me on that, and the papers belonged to him and not to the Pension Office. On a special request of Mr. Raum those papers had been given to this examiner.

By Mr. BROSIUS:

Q. To whom did he make that request?—A. To the district attorney.

Q. Were you present?—A. I know that. I have information of it. Those papers were in the legal custody of the district attorney.

By Mr. ENLOE:

Q. I will ask Mr. Bailey if it is customary to institute criminal proceedings against any one for false impersonation in an application for a pension without a direction of the law department of the Pension Office?—A. No, sir; not as a rule.

Q. Do you know whether that was done in this case?—A. This matter arose outside of our office entirely; but to answer your question I will say, "No, sir; it was not done by the law division."

Q. I want to know if it was done through the regular channels of the Pension Office.—A. They had nothing to do with it.

Q. The law division never directed any criminal proceedings to be commenced against this man?—A. No, sir; we didn't know that until afterward.

Q. The institution of this indictment in the courts against Mr. de Arnaud was a matter that, so far as you know, did not come through any recommendation of the Pension Office?—A. Yes, sir; that is right.

Q. Do you know how it did come up?—A. Only from what——

Q. I ask you if you know.—A. Of my personal knowledge?

Q. Yes, sir.—A No, sir; not of my personal knowledge. We have our dockets made up there.

Q. What docket?—A. Our criminal docket. It shows here that there is a letter from Solicitor Reynolds of the Department of Justice stating proceedings were begun or instituted against Mr. de Arnaud and calling for some of the papers. At that time this letter came from New Jersey in regard to these papers, and as they were very voluminous that resulted in the letter which you read a moment ago. We could not furnish copies of that without an order from the court.

Q. The criminal proceedings in the court were before this?—A. I think the record will show that.

Q. Does that docket show how these criminal proceedings came to be instituted in the court here?—A. No, sir; I think not.

Q. It was in the District court here, was it?—A. There was a civil suit in New Jersey and that brought out a certain set of facts which led the examiner to go over there with those papers to lay it before the district attorney.

Q. You understand that indictment then was on account of his filing

a false claim over there or here in the Pension Office?—A. Here, I suppose; you have all the papers there.

Q. That fact, if it was a fact that he falsely impersonated another person, was known in the law division of the Pension Office, was it not?—A. We had information.

Q. You had that record before you?—A. We had knowledge of it, yes, sir.

Q. Do you allow your examiners to go round and institute proceedings without any authority, against anybody they like?—A. No, sir.

Q. Then this proceeding was irregular, if they were taken without getting an order from the Pension Office?—A. No, sir; that is not unusual when examiners are in the field. They consult with the district attorney and then swear out complaints and arrest the man.

Q. The District Attorney and this man were both in the District of Columbia?—A. Yes, sir.

Q. It is but a very short distance from the Pension Office over to the court, is it?—A. Yes, sir; that is all.

Q. He should have consulted the head of the division before going to the district attorney?—A. I suppose so.

Q. Who did institute this proceeding?—A. Mr. Brooks; so Mr. De Arnaud says.

Q. You have no record?—A. Yes, sir; we have now.

Q. Did he furnish you with a statement showing that he had ordered these proceedings to be instituted?—A. Simply a statement showing an indictment had been brought, and then another letter returning the statement and stating he had been acquitted.

Mr. BROSIUS. There is a record of that?

A. Yes, sir.

Mr. ENLOE. I will ask you if you know, if your record shows, when the indictment was found.

A. I think in August, 1890; August 7, 1890.

Mr. BAILEY. My impression is it is August 6.

Mr. ENLOE. Where is that request I had here and read a moment ago? This paper has stamped on it: "Special examination division, January 12, 1891."

The CHAIRMAN. Four months after the indictment.

A. Yes, sir.

By Mr. ENLOE:

Q. This application bears date on the face of it, July 3, 1890. Then July 3d seems to have been the date when this application was filed for this evidence?—A. I could not answer as to that.

Q. Look at it and see. [Hands paper to witness].—A. I will simply say there is a stamp on here: "Received in the Pension Office July 3, 1890."

Q. When were the papers sent out under that application to New Jersey?—A. I could not tell you.

Mr. BROSIUS. There is a record to show that, is there not?

WITNESS. It was the 18th of September.

Mr. BAILEY. I could not tell when it went out of the office.

WITNESS. When Mr. Brooks came on to the stand with the papers my counsel asked him "Who sent you here?"

Mr. BROSIUS. Were you present to hear that?—A. Yes, sir. And he says "The Commissioner of Pensions;" and there were hundreds of witnesses there, and I was also present when he said he acted strictly in my case in answer to my counsel, under the personal instructions of *Green B. Raum*, as a subordinate.

Mr. DUNGAN. That was the same witness, was it?—A. Yes, sir; that was Mr. Brooks.

Mr. ENLOE. I want this statement I read a while ago to go in evidence here.

The following paper was here offered in evidence:

To the Honorable GREEN B. RAUM,
Commissioner of Pensions:

SIR: Upon the attached certificate of the Honorable Henry C. Pitney, vice-chancellor of the State of New Jersey, I have the honor to request that the record in the claim for pension of Charles A. de Arnaud, late captain Co. F, Fifth Missouri Infantry, number [orig. 582443], may be sent to such special examiner, located in Jersey City, N. J., as you may designate, and that I be notified to whom and where such papers are sent, that I may subpœna him and prove the record in court.

I have the honor also to request that rulings numbers 221, of May 8, 1887, and supplemental ruling in De Arnaud case, of September 26, 1889, may be exemplified and sent to me C. O. D. for expenses.

Your early attention is especially requested.

Yours very respectfully,

ADDISON ELY.

JULY 3, 1890.

Mr. Addison Ely, whose name is signed to the foregoing application, is a solicitor and counsel of good standing of the court of chancery N. J., and is solicitor in a cause of Peet *vs.* D'Arnaud, pending in said court and on trial before me as vice-chancellor, and from my knowledge of the issue it is probable that the records asked for will be important and competent evidence in the cause. The application is made in good faith.

HENRY C. PITNEY, *V. C.*

Mr. DUNGAN. Here at the foot of the indictment I see these words: "Number 18048, U. S. *vs.* Charles de Arnaud (with two aliases given); witnesses: Seth A. Perry, Walter J. Brooks, Alfred Arnaud, and Christian D. Wolf. Signed, a true bill. W. A. H. Church, foreman."

WITNESS. I was not indicted in New Jersey. That was a civil suit there.

Mr. ENLOE. Now, in regard to the objection that was raised a while ago to the admission of these letters here of Gen. Frémont, I find in the record that it will not be necessary to introduce those. Here is the letter of Gen. Frémont, which I have succeeded in finding. I want that to go in.

The following is the letter referred to:

NEW YORK, *31st October, 1887.*

Honorable Genl. JAMES C. BLACK,
Commissioner of Pensions:

GENERAL: I have been requested to state some circumstances connected with the service of Capt. Charles de Arnaud during my command of the Department of the West in 1861. I comply readily with the request, because I should be glad to promote the interests of a deserving officer.

Capt. de Arnaud was chosen by me to make military reconnoissances in Kentucky and Tennessee, and on this duty I sent him to those States early in August, 1861. At this time he was in the service of the United States as capt. of Company F of the 5th Missouri Volunteers. He was instructed to ascertain the positions and force and probable movements of the enemy, and to examine the country in order to the selection of such points as might be advantageously occupied by the Union troops. All of this duty he performed with skill and intelligence at much personal risk, and to my entire satisfaction. The nature and duration of his service remained of necessity unknown to his company or others except to such of my staff as the course of duty required to be informed. Being on detached and special service, acting directly under my orders and reporting to me personally, he was released from ordinary duty with his company.

From about the 12th August, when he came to make a report to me at St. Louis, he remained within the Confederate lines until the 5th September, when he reported to Genl. Grant at Cairo and to me on the 6th at St. Louis. During this interval he was beyond the reach of communication with the Federal forces. Although borne on the rolls as present with his company, Capt. de Arnaud could not know of the

order for the mustering out of his company until he returned to St. Louis in September, at the time he reported to me. He was then suffering severely from wounds he had recently received in the discharge of the duty assigned him.

When Capt. de Arnaud was mustered out, early in September, on his return to St. Louis the muster out was made so as to date of the day when his company was mustered out in August, but did not actually take place until in September.

Trusting that his case will receive favorable consideration, I am, general,

Respectfully, your obed't serv't,

JOHN C. FREMONT.

By Mr. ENLOE: After this letter of Gen. Fremont's the case was acted upon by Gen. Black and rejected. Now, there was an application to reopen the case; that will not be denied, and is in the record, and here are four affidavits filed showing what the character of his military services was.

WITNESS. Filed for the purpose of correcting the record from the Adjutant-General's office.

The CHAIRMAN. Do you wish those affidavits in evidence?

Mr. ENLOE. Yes, sir. I want all four of them to go in.

The following are copies of the affidavits referred to by the witness:

No. 582443.

Affidavit of Genl. John C. Fremont on behalf of Capt. Charles A. de Arnaud.

DISTRICT OF COLUMBIA,
City of Washington, ss:

John C. Fremont, being first duly sworn on oath, deposes and says: That he was a major-general in the United States Army and commander of the Western Department during the late war of the rebellion. That he is acquainted with Captain Charles A. de Arnaud, and has been acquainted with him since July, 1861. That he knows that the said de Arnaud held a commission as captain in one of the Missouri three-months regiments, and was detailed by me on special duty as a military expert from the end of July to the early part of November, 1861. That the said de Arnaud performed no regimental duties during that time but those ordered by me, and that on August 12th, 1861, the said Captain de Arnaud was sent by me on special military duty and did not return to St. Louis to report to me until the 6th day of September, 1861, and to my knowledge was not in St. Louis on the 30th day of August, 1861. That when the said de Arnaud returned to St. Louis on the 6th of September, 1861, as aforesaid, he stated to me that he had had a narrow escape from death, and that he had been struck on the back of the head with a pistol, and he at that time exhibited his wounds in the head to me.

JOHN C. FREMONT.

Sworn to and subscribed before me, Dec. 27, 1889.
[SEAL.]

ALVYN W. COLEMAN,
Notary Public.

No. 582,443.

Affidavit of Ward H. Lamon on behalf of Capt. Charles A. de Arnaud.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Ward H. Lamon, being first duly sworn on oath, deposes and says that he was, in the year 1862, United States marshal for the District of Columbia, and that he was well acquainted with President Abraham Lincoln; that in the early part of January, 1862, he was introduced by President Lincoln to Captain Charles de Arnaud, who was suffering from the effects of wounds in his head; that this deponent learned, at that time, that the said de Arnaud received said wounds while performing valuable military services in the Western Department.

And deponent further says that President Lincoln deeply sympathized with said de Arnaud in his afflictions and said to deponent that "this country owes Captain Charles A. de Arnaud a debt of gratitude for the valuable services he rendered to help us to save our country."

WARD H. LAMON.

Sworn to and subscribed before me, Dec. 30th, 1889.

ALVYN W. COLEMAN,
Notary Public.

No. 582443.

Affidavit of Gen'l Stephen G. Burbridge on behalf of Capt. Charles A. de Arnaud.

DISTRICT OF COLUMBIA,
City of Washington, ss:

Stephen G. Burbridge, being first duly sworn, on oath deposes and says; That he was a major-general, U. S. A., and commander of the Department of Kentucky during the late war of the rebellion; that sometime during the month of July, A D. 1861. he became acquainted with Charles A. De Arnaud in Louisville, Ky., and subsequently met him on several occasions with General Lovell H. Rousseau; that deponent knows of his own personal knowledge that the said De Arnaud held a commission as captain in one of the Missouri three-months regiments; that on September 8th, 1861, deponent again met said Captain De Arnaud with General Rousseau at Louisville, Ky., on which occasion the said De Arnaud exhibited some wounds on his head and stated that he received the same when he was captured at Union City, Tenn., at the hands of one Little, while on special duty, which resulted in the capture of Paducah, Ky., and secured for the Union forces the control of the Tennessee and Cumberland rivers.

That deponent subsequently, and while in command at Owensborough, Ky., enquired into the statements made by the said De Arnaud as to the manner in which he received his said wounds and found the same to be true and correct in every particular.

STEPHEN G. BURBRIDGE.

Sworn to and subscribed before me Dec. 27th, 1889.
[SEAL.]

ALVYN W. COLEMAN,
Notary Public.

No. 582443.

Certificate of Col. Albert Tracy, U. S. Regular Army, and mustering officer at St. Louis Mo., in 1861, on behalf of Capt. Charles A. de Arnaud.

I hereby certify that I was, in 1861, a captain in the 10th Regiment of the U. S. Infantry, and was also, during a portion of the summer of said year, on duty as mustering officer at St. Louis Arsenal, Missouri; that I knew and was acquainted personally with Capt. Charles A. de Arnaud, provisionally appointed by Genl. Fremont, in the absence of other appointing power, to his said grade in the forces of said State of Missouri; that the duties upon which Capt. de Arnaud was employed were of a special and peculiar nature, under the orders direct of the genl. commanding the department, and having relation to the obtainment, practically, of a knowledge of points of strategic or military importance within the anticipated theatre of action of the troops of the Union, as also the ascertainment of the status military at large, the numbers, position, character, and probable designs of the organizations then in rebellion against the Government, duties, it will be seen, not to be efficiently performed by any but a trained and active military expert, and by him only at much personal hazard, supplemented on his own part with a determined perseverance and endurance in no respect common; that, from information which I can not question, Capt. de Arnaud, being upon service as above set forth, and in the line of his duty, received, at the hands of the enemy, a severe and dangerous wound from the blow of a pistol, of the which wound he suffers the ill effects to this day; that, from further information, Capt. de Arnaud returning, in September, 1861, from a tour of the nature and character above set forth, found himself, without his previous knowledge or so much as the opportunity to be identified or answer to his name, summarily mustered out of service, as of August 27th, 1861; thus raising the question whether, under form of roll thus had, Capt. de Arnaud is to be held as out of the Army from the date stated or whether, engaged as he was in the active fulfillment of the orders and instructions of his chief, he must be regarded as continuously in the service, or this at least up to the date in November, 1861, when officers provisionally commissioned in like manner with himself, either individually as aides-de-camp or collectively as members of company or regimental organizations, were granted their honorable discharge from the service of the United States, each and every of the provisional appointments or commissions by Genl. Fremont, as well as by others preceding him in command, being subsequently confirmed and substantiated, and those holding the same allowed their just pay and emoluments, under and by virtue of the act of Congress of March, 1862.

That all herein stated as touching Capt. de Arnaud or the circumstances connected with his service is true to the best of my knowledge and belief.

ALBERT TRACY,
Bvt. Col., U. S. Army, retired,
(Late Capt. 10th U. S. Infy. and mustering officer at St. Louis Arsenal.)

Washington, D. C., January 3rd, 1890.

Mr. ENLOE (to Mr. Bailey). Will you furnish copies of these papers?

Mr. BAILEY. Yes, sir.

Mr. BROSIUS. You offered in evidence these affidavits?

Mr. ENLOE. Yes, sir.

The CHAIRMAN (to witness). Was the case reopened?

A. No, sir; with the indictment it was reopened.

Mr. BROSIUS. There were two men of the same name?

WITNESS. Yes, sir.

Mr. BROSIUS. There might still be some doubt as to whether this is the man mentioned in those affidavits.

Mr. ENLOE. Then here are these letters from Gen. Fremont to substantiate that.

Mr. BROSIUS. I don't object to the admission of those, but I can see how they might not be conclusive of anything.

WITNESS. As soon as I can explain the two applications then you will know the confusion of the names, and Mr. Raum knew that prior to becoming Commissioner of Pensions.

Mr. ENLOE. We don't need to put these letters in; they are before the Pension Office as a part of the record in the case. Here is a letter I want to put in for this purpose from the Commissioner. I offer this letter for the reason that the Commissioner, when he was on the stand, and I called his attention to this case, if I remember correctly, he said he did not know anything about this having been acted upon.

The CHAIRMAN. What do you mean by this?

Mr. ENLOE. This case having been called up and acted upon; he didn't know anything about that, he said; but here in his letter he refers to the case. The letter is dated January 31, 1891, and it is a letter filed in the case. It does not seem to be addressed to anybody but signed by Green B. Raum, Commissioner.

(Mr. Enloe reads the letter.)

The following letter was here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., Jan. 31st, 1891.

No. 582443, claim of Charles Alfred de Arnaud. Upon examination of this case I find the following facts:

First. That the claimant, Charles Alfred de Arnaud, is not the identical Alfred Arnaud who, in the year 1861, was enrolled and mustered in as captain of Company "F" of the 5th Missouri Volunteer Infantry. Said Alfred Arnaud was another person whose identity has been established and who has now on file in this office a claim for pension, No. 722,956.

Second. That Charles Alfred de Arnaud has failed to show that he was ever mustered into the military service of the United States, and has also failed to show that he was ever mustered out of the military service of the United States.

Third. There is no doubt as to the fact that Charles Alfred de Arnaud was employed by Gen. John C. Fremont to perform certain services. This is evidenced by the letter of Gen. Freemont, dated Astor House, New York, Jan. 2d, 1862, in which he states that "Mr. Charles de Arnaud was employed by me in traveling throughout the rebel parts of Tennessee and Kentucky with the object of ascertaining the strength, condition, and probable movements of the rebel forces." This letter, written immediately after the employment of de Arnaud by Gen. Freemont, and at a time when his recollection of the facts was clear, contains no statement as to de Arnaud having been mustered into the military service.

Fourth. Under existing laws this claim for pension can not be allowed. I have called the papers in this case up for examination for the reason that said Charles Alfred de Arnaud has recently been tried and acquitted upon a charge in connection with this pension claim; and I have examined the same with a view of determining for myself whether or not he is entitled to a pension under existing laws, and I find that he is not.

GREEN B. RAUM,
Commissioner.

The WITNESS. I have got something to say afterwards in connection with this to show the irregularity of his action in this case and the animus shown in this letter.

The CHAIRMAN. What is there you wish to say? Say it now.

A. I had been acquited at 2 o'clock on the 29th of January, 1889. Mr. Green B. Raum, instead of waiting for me, according to the rules and regulations of the office, to do what I intended to do, to file additional evidence (the record in the court there showing conclusively who I am and all about it, after I had been acquitted), under the act of March, 1862, of pensions, Mr. Raum, through his animus, sent for the papers at once, without giving me a chance to put that additional evidence in, without my calling up the case or my attorney calling it up, and without me filing this additional evidence, he goes on and says the jury lied, and takes the papers up and says in that letter that the jury lied and the court lied and that he was right.

Mr. BROSIUS. You know very well that what you have been saying constitutes an inference that you have drawn from certain acts, and is not evidence at all.

Mr. ENLOE. You simply want to say he took that case up and wrote that letter?

A. Yes, sir; what he had no right to do as a Commissioner of Pensions; and as an upright and honest man he had no right to write that letter; it is a falsehood on its face and I can prove it.

The CHAIRMAN. This is two days afterwards?

A. He took the papers home the same day. I know it from Brooks.

Mr. ENLOE. I will ask you this question: If Gen. Raum testified here in his examination that he did not call up your case out of the regular order of his own motion and reject it without you or your attorney asking that the case be considered or called up at that time, and don't that letter show he did not testify truthfully in answer to that question?

Mr. BROSIUS. I object to the prosecutor in this case asking the witness whether this letter does not show that the witness, Mr. Raum, testified untruthfully.

The CHAIRMAN. I think that is objectionable.

Mr. ENLOE. I will say that Gen. Raum stated in his testimony that he did not call this case up on his own motion without the request of the attorney or claimant in the case, and that he did not act upon it immediately after this indictment. And now I ask him if he did make that statement if he knows whether or not it is true?

WITNESS. If Mr. Raum swore to that I did not hear him.

Mr. ENLOE. I say if he said that in his examination?

A. If he did he swore to a falsehood.

Mr. DUNGAN. Here is the official transcript of the trial, and the finding of the jury was on the 29th of January, 1891, the finding of the jury of not guilty in the case; that becomes pertinent in connection with that letter there for whatever the committee wants it.

Mr. ENLOE. Let it be admitted that that is the record from the case.

The CHAIRMAN. I think the committee might draw the inference as well as the witness in regard to that last question.

By the CHAIRMAN (to the witness):

Q. Between the rendition of the verdict in your case on the 29th of January, 1891, and the 31st day of January, 1891, what application did you make, if any, to Gen. Raum about your case?—A. Between the acquittal and this?

Q. Yes, sir.—A. He did not give me any chance.

Mr. DUNGAN. Did you make any?

A. No, sir; I could not.

The CHAIRMAN. You will assist the commiteee and the truth and the cause of justice by giving us a little chance in answering the questions as they are asked you.

Q. Do you know whether or not between those dates, the 29th of January, 1891, and the 31st of January, 1891, whether or not your counsel made any application in your case?—A. We were just talking about doing it.

Q. Just talking about doing it?—A. Yes, sir; but we could not do it.

By Mr. DUNGAN:

Q. You did not do it?—A. No, sir.

Q. You talked about it, but did not do it?—A. Yes, sir; but didn't do it, because we couldn't. The 31st was on Sunday. That letter was written on Sunday. That is the reason we thought it was a very funny thing to do, in the first place, for him to take such quick action without our calling up the case, and then his doing it on Sunday, too; and also to take it to his house.

Mr. ENLOE. I see by referring to this calendar that the 31st was on Saturday.

A. I am wrong, then, and the calendar is right, and I will take it back.

By Mr. DUNGAN:

Q. Captain, when did you have notice of this rejection of your claim, dated January 31, 1891?—A. I had no notice at all. When we went to the papers we found it filed there.

Q. The first you knew was when you went to reopen the case and filed additional evidence?—A. Yes, sir.

Q. How long was that in point of time after this date?—A. Perhaps a month afterwards, perhaps two or three weeks afterwards. We went to file our papers and found this there.

Q. Did you file anything?—A. We filed an application for an appeal.

By Mr. ENLOE:

Q. Where did you file that application for appeal?—A. With Gen. Bussey.

Q. Do you remember what time you filed that?—A. The brief is here, and it will show you.

Mr. DUNGAN. I will examine these papers and find it in a minute.

Mr. ENLOE. Here is the application, I think. Here are the papers in the case.

The WITNESS. I wish that would go into the record—my appeal. I can prove every word of it.

[Mr. Enloe hands paper to witness.]

The WITNESS. This is my appeal, and this gives a thorough synopsis of my whole case. It is the 27th of June, 1891.

The following is a copy of the appeal referred to by witness:

No. 582443.—*In re Charles Alfred de Arnaud. Claim for pension and arrears.*

An appeal from the decision of the Commissioner of Pensions in the pension claim of Charles Alfred de Arnaud, late captain and aid-de-camp in the Fifth Missouri Volunteers. No. 582443.

To the Hon. SECRETARY OF THE INTERIOR:

The appellant in this case, Charles Alfred de Arnaud, is fifty-nine years of age, is a Russian by birth, was educated in the Russian Military School of Engineers at St. Petersburg, in that country, and served as an officer in the Russian army. At the outbreak of the late war in this country, as is shown by the evidence filed in this case, the said appellant was recognized by the then commanding-general of the Western Department, Major-General John C. Fremont, as an experienced military engineer officer who could render valuable services to the country at that most critical period in the existence of the Union. The said commanding-general of the Western Department induced said appellant to enter the military service of the United States in the early part of the year 1861, as is shown by the evidence in the case. The said commanding-general of the Department of the West, Major-General John C. Fremont, had plenary power vested in him by President Lincoln, commander-in-chief of the Army of the United States, to commission and appoint any person or persons as officers in the U. S. Army to serve under him. And whatever irregularities may have existed in his appointment and commissions were afterward rectified by an act of Congress approved March 25, 1862, which reads thus:

"An act authorizing pensions to men and officers actually employed in the military service of the United States, whether mustered into actual service or not, when their services were accepted and actually employed by the general of the Department of the West (John C. Fremont)," and which act is still in force. The said General John C. Fremont, acting by virtue of said power vested in him by the President of the United States, appointed a great number of officers to do military services of the United States, among which number the said appellant was appointed as captain of Fifth Missouri Volunteers, and immediately detached from said command as a special aid to said Commanding General John C. Fremont, without reporting to the said regiment but to said commanding general's headquarters, to act under said general's special and personal orders and instructions. And the said appellant after having been sworn in the military service of the United States and receiving his appointment or commission, acted in the capacity of said aid, under said appointment or commission, from the early part of August, 1861, to the 18th day of November, 1861, the time when all such officers holding such appointments or commissions were discharged from the service by General Order ——, issued by General George B. McClellan, then Commanding General of the Army.

The said appellant being a Russian by birth and at that time in the military service of that country did, for reasons well known to and approved by the commanding general of the Department of the West (John C. Fremont), drop his first name of "Charles" and had his appointment or commission as aforesaid made out in the name of "Alfred Arnaud." The said appellant under said appointment or commission continuously served in a military capacity, under direct personal supervision and orders of the said commanding general of the Department of the West (John C. Fremont), until the said commanding general of the Department of the West was superseded. The said appellant, as both history and the evidence in this case prove, rendered most important and valuable military service to the United States, under the orders of said commanding general of the Department of the West (J. C. F.), services that only could be rendered by experienced engineer officers. And while holding said appointment under said commanding general of the Department of the West (John C. Fremont), said appellant was as an officer offered by said commanding general of the Department of the West (John C. Fremont) extra inducements to render military services on behalf of the United States outside of the departmental limits or jurisdiction of the said commanding general of the Department of the West (John C. Fremont), and accepted said offer, which it is perfectly legitimate for a commanding general of a Department to make with commissioned officers in time of war for the good of the service without depriving them of their rights, emoluments, and standing in the Army, and to prove which it is unnecessary to cite the many instances of the kind which occurred in other military departments (besides that of the West) in the late war.

Said appellant, in execution of the duty undertaken by him for said additional inducements, rendered specially valuable military services to the Government of the United States, as is proved by the evidence filed in this case. One single part of this evidence out of many may be cited in the letter filed in this case of Admiral Foote, of the U. S. Navy, wherein said Admiral Foote says the appellant "to my knowledge rendered important services to the country by which he saved thousands of lives and millions of dollars to the Union." Prior to the 12th day of August, 1861, the

appellant was engaged as a staff engineer officer in correcting maps of western Kentucky and western Tennessee by orders of the commanding general of the Department of the West (John C. Fremont), the Union army at that time being deficient in accurate maps of said region above designated. On the 12th day of August the same commanding general of the Department of the West (John C. Fremont) sent for the appellant, informed him of the defeat of the *brave General Lyon* at Wilson's Creek (Mo.), and also stated that he had been reliably informed that the rebel General Sterling Price was marching from southwest Missouri with his victorious army on St. Louis to capture that city, and that from southeast Missouri the rebel General Polk was marching with 36,000 men to intercept the retreat of Lyon's remaining forces. The said commanding general of the Department of the West (John C. Fremont) also said at this interview to appellant, who was at that time an officer in the army under the above-mentioned appointment or commission, that if he, said appellant, would go and make himself acquainted with the movements of General Polk in southeastern Missouri, and select strategic positions for our army to occupy and thus frustrate the execution of Polk's plans and movements, at least until said commanding general of the Department of the West was able to obtain reinforcements, that the country would be grateful to said appellant for such services and would largely reward him.

The appellant, seeing that the Union was in great danger at this particular period, reluctantly volunteered to comply with General Fremont's request, knowing as he well did that he was taking his life in his hands and running the most dangerous of risks (risks such as are considered in foreign countries as appertaining only to the most meritorious service that an officer can perform).

The performance of this last-mentioned and extra special duty entailed upon the appellant the necessity of entering within the enemy's lines that he might observe the actual movements of the enemy at that particular time, and ascertain their contemplated movements. The appellant, as both historical records and the evidence in this case prove, did perform the service which at that particular period was especially valuable and important to the cause of the Union, and was publicly acknowledged by those at that time in supreme command, for its results were the permanently securing for the Union forces the control of the Tennessee and Cumberland rivers, then the chief object of the enemy's strategy, and the occupation of Paducah and Smithland, which action on the part of the Union forces prevented the invasion of southern Illinois by the rebels, as they contemplated and were preparing to do, and ultimately broke the backbone of the rebellion.

While performing this duty, the appellant was severely wounded in the head and body. From the effects of these wounds, he has never recovered, and never will; but which totally incapacitated him from making a livelihood thereafter either in the practice of his profession as military engineer, or otherwise, destroyed all the bright prospects of his life, and made him for nearly 23 years *non compos mentis*, and a continuous sufferer from epilepsy. In 1886 the appellant, through the bursting of abscesses on his brain (which were produced by the wounds in his head received as aforesaid in the military service of the United States), and the consequent discharge of the pus accumulated therein through his left ear, gradually recovered his reason, and on meeting in Washington, D. C., his commanding general of the Department of the West (Gen. John C. Frémont), was advised by him that he was entitled to a pension under the general laws relating to the granting of pensions. In this view the lawyer then acting as appellant's counsel concurred, and also advised him to make application for pension. The said appellant acting under said advice made an application for his pension on August 6th, 1886, wherein he stated that he was commissioned and mustered in the United States military service as captain in the Fifth Mo. Volunteers, said designation of his rank having been received from the said ex-commanding general (Frémont), and certified as to its correctness by him, and as appellant had dropped his first name "Charles" for reasons known to and approved by Gen. Frémont, his commanding general at the time of his appointment or commission to the position of captain (as previously herein stated), as appellant having applied for a pension under his full name, "Charles Alfred De Arnaud," added the explanatory words, that he "was the identical Alfred Arnaud who was so commissioned or appointed captain as aforesaid."

Appellant did not then nor at any other time claim that he commanded any company or served with any regiment. He claimed that he was commissioned, was mustered in and out of the service, and was assigned to headquarters for special duty as aide on the commanding general's staff. Appellant asserts and claims that he had a right to say that he was "mustered in and out of service," first on the authority of the commanding general of the Department of the West (Gen. J. C. Frémont), who expressly swears to that effect, which jurat is an evidence in this case, and secondly on the authority of the act of Congress of March 25, 1862, which cures all these irregular appointments or commissions, and enacts that they should be regular and that the officers receiving them shall be considered as having been mustered in and out

of the service as if there had been no irregularity of said mustering in and out, but had been treated with all the due attention and technicalities usually required in such cases, but which from the exigencies of the case had not been and could not be complied within this particular commission or appointment. The commanding general of the western department (Gen. J. C. Frémont), after reading this application, so worded, approved the same, as appears from his letters (filed in evidence) to Pension Commissioner Black, in one of which he asks the Commissioner of Pensions to make this case a special one, because of its unusual meritoriousness.

After said application was filed with the Commissioner of Pensions, the latter instead of adjudicating his claim, under the provisions of the act of Congress approved March 25, 1862, as your appellant expected and was informed was the proper course to take with that application, applied to the Adjutant-General for said claimant's record, as it is the custom in cases that do not come under the provisions of this aforesaid-mentioned act of March 25, 1862. The Adjutant-General returned the record that the applicant was a captain of Company F, 5th Mo. Volunteers, and was mustered out of the service on the 27th day of August, 1861, and not entitled to a pension because the wounds on which the claim was based were received on the 4th of September, 1861, and in November, 1861, respectively, at which dates the claimant, according to the Adjutant-General's record, was not in the service. The Pension Commissioner, therefore, decided that this case stands rejected until the Adjutant-General should amend the record in accordance with the facts herein stated, so as to hold appellant in service at the dates on which the wounds, as aforesaid, were received.

Appellant was well aware that he had not signed any company muster rolls on the 27th day of August, 1861, or any other day, and was totally unaware of the existence of a Dr. Alfred Arnoud, now of Hot Springs, Ark., who actually commanded said Company F, Fifth Mo. Volunteers, but fully believing that his record, as made up by the Adjutant-General, was his own, as recorded, made another affidavit accompanied by a certificate to that *effect* of General J. C. Frémont, that he could not be present on the 27th day of August, 1861, because he left St. Louis on the 12th day of August, and was continuously absent in the performance of the special military duty as aforementioned until September 5th, 1861, when he reported to Gen. Grant at Cairo, Ill., and on the 6th of September, 1861, he reported to the commanding general at St. Louis, Mo., to whom he made his report, delivered the maps he had prepared, etc.

The Adjutant-General refused to amend the record he had made for your appellant, so as to bring his services between the dates mentioned, and the appellant, being a foreigner, unacquainted with our laws and customs, sought advice from counsel learned in the law, who advised him to amend his application so as to bring it within the scope of the law applying to nonenlisted men, which declares that all such applications must be prosecuted before the end of 1874, unless the claimant is beyond the seas or can prove that he was *non compos mentis*, and therefore could not make said application. As appellant had been *non compos mentis* for nearly 23 years, he so amended his application and produces medical proofs from Europe to that effect. This application has also been rejected.

The appellant then, on January 15th, 1890, filed four additional affidavits for the reopening of the case with the present Commissioner of Pensions, Green B. Raum, with the request that his claim should be speedily adjudicated under the act of Congress approved March 25, 1862. The Commissioner of Pensions did not adjudicate the case at that time, nor for months afterward, while the commanding general of the Department of the West was alive to have personally explained (as he would willingly and cheerfully have done) any errors that might have crept into your appellant's application for pension. But *four weeks after death of said commanding general of the Department of the West* (John C. Frémont), the said Commissioner of Pensions without any notice whatever to said appellant procured an indictment to be found in the criminal court of the District of Columbia against your appellant, charging him with making false and fraudulent affidavits in support of a false and fraudulent claim for pension, an official transcript of which indictment and of trial of your appellant upon it is herewith appended, as also the sworn stenographic report of the evidence of witnesses in the case. After six days' trial, your appellant, after proving that his affidavits were true, and that he was commissioned captain in the 5th Mo. Volunteers as Alfred Arnaud, and was mustered in and out of the service as claimed in his original application for pension, dated Aug. 6, 1886, No. 582443, and that he served continuously till Nov., 1861, and was wounded as aforesaid, was triumphantly acquitted of the charges in the indictment, and declared "not guilty."

Two days after said verdict as appears from the decision of Pension Commissioner Raum in the case, the latter, of his own accord and without the request from appellant's attorneys, called for the papers in the case, and without having a transcript of the indictment or a sworn stenographic report of the evidence before him, made an adverse decision on this claim for pension, on the following grounds: 1. As the claimant is not "the identical Alfred Arnaud who was in 1861 mustered in as cap-

tain of Company F, 5th Mo. Volunteers, and whose identity has been established and who has now on file an application for pension No. 772956." It is sufficient here to say that the Commissioner of Pensions is in error, in confounding your appellant with the "Alfred Arnaud" who *commanded* Company F, Fifth Mo. Volunteers, and was mustered out of the service of the United States on Aug. 27, 1861, and who has filed pension claim 772956. They are two distinct individuals. Neither claims to have performed the same military services, on the contrary, the claim of each is for a radically different service from that of the other. The similarity of name alone has wrought this confusion—confusion which a careful examination of the proofs of his services filed in evidence in this case by your appellant would have prevented.

Your appellant claims in his original pension application as having been only *commissioned as capt. in the 5th Mo. Volunteers*, and *mustered in and out* of the service in 1861 under the name of "Alfred Arnaud," according to the act of Congress approved March 25, 1862, which act of Congress he supposed would be understood by the Pension Office as applying to his case, without his specially mentioning it; the error in confusing your appellant with the "Alfred Arnaud" who commanded Company F, Fifth Mo. Volunteers, first arose in the Adjutant-General's Office, which error was not the fault of your appellant, nor does it bar him from successfully prosecuting his original pension claim, No. 582,443.

Secondly, the Commissioner of Pensions cites the letter of Gen. John C. Fremont dated Astor House, N. Y., Jan. 2, 1862, as furnishing the principal reason for rejecting your appellant's claim for pension, because, says the Commissioner of Pensions, "This letter written immediately after the employment of de Arnaud by Gen. Fremont, at a time when his recollection of the facts was clear, contains no statement as to de Arnaud's having been mustered into the military service."

This said letter is selected by the Commissioner of Pensions from a mass of evidence which clearly and irrefutably proves that your appellant had been commissioned a captain in the Fifth Mo. Volunteers, and detached by the commanding general of the Department of the West immediately after being commissioned on special staff duty, in the performance of which duty your appellant was wounded. This letter, as has been explained by General Fremont during his lifetime, did not refer to your appellant's military service as commissioned officer *or to his mustering in or out of the service*, but wholly to the claim put in at that date of the letter of your appellant to be reimbursed by the Government $3,600.00 which he had expended out of his own private pocket for expenses incurred in his performance of the extra duty he had consented to do at Gen. Fremont's solicitation as commanding general of the Department of the West, and upon the guarantee by that general of extra compensation. From this letter it will appear that Gen. Fremont designated your appellant simply as "Mr. de Arnaud," and not as "Captain de Arnaud," for the reason that your appellant at the date of the letter was in reality *not a captain but simply "Mr."*—the Government at that time not recognizing any of General Fremont's military appointments or commissions, nor did it do so until 83 days after the date of this letter, namely, herein cited act of Congress was approved March 25, 1862, at which latter date your appellant wos beyond the seas and *non compos mentis*, in which state and condition he continued until 1886.

The claims of your appellant as set forth in his original application for pension, that he was commissioned captain in the 5th Mo. Volunteers, that he was immediately detached for special staff duty, that he performed certain duty, and in the performance thereof was twice wounded, and that the effects of such wounds were to disable him for life, and clearly and incontestably proved by affidavits herewith particularly specified (and filed in evidence in this case), namely: Affidavit and certificates of Major-General John C. Fremont, commanding general Department of the West; affidavit of Major-General S. G. Burbridge; affidavit of Hon. Ward H. Lamon, marshal of the District of Columbia in 1862; certificate of Col. Albert Tracy, U. S. Regular Army; of the physician's certificates filed with the evidence with this case, and also the evidence on the trial of your appellant in the criminal court of the District of Columbia (heretofore mentioned), of Hon. Thos. G. Fletcher, ex-Gov. of Mo., and Brig. Gen. U. S. Volunteers; and of other witnesses whose testimony is herewith appended, and reference to which is specially invited.

In view of the incontestible proofs thus adduced, of the truth and justice of your appellant's claim for pension, and of the anomalous circumstances that begirt him as well as so many other officers of the Union Army in the Department of the West in the early years of the war, in view of the acknowledged importance and great value of your appellant's military services, and in further view of the fact that in the performance of the services he received two dangerous wounds, the effect of which has wholly incapacitated him from earning a livelihood, and have made him a physical and mental wreck, and inflicted upon him sufferings from which he can never be relieved or freed. Your appellant prays that the decision of the Commiosioner of Pensions rejecting his claims for pension and arrears under the law be reversed, and

that his claim for pension and arrears be granted, and that the honorable Secretary of the Interior direct and cause his name to be placed on the invalid pension rolls of the United States.

Very respectfully,

W. S. ODELL & Co.,
Attys. for Appellant.

(Indorsed:) Charles A. De Arnaud, late captain and aide de camp. Staff. Gen. Fremont. No. 582443. Appeal to the Hon. Secretary of the Interior. W. S. Odell & Co., attorneys for clt., Washington, D. C. U. S. Pension Office, Mar. 5, 1891. Department of the Interior. Bd. Pen. Appeals. Received Mar. 7, 1891.

Mr. ENLOE (to Mr. Bailey). Do you want to put in Gen. Bussey's opinion?

Mr. BAILEY. Yes, sir; I think so.

The following is a copy of the opinion referred to:

[Docket No. 10,003, 1891. Charles A. De Arnaud, alias Alfred Arnaud, Co. F, 5th Mo. Vols., No. 582,443. On appeal. Rejection affirmed.]

DEPARTMENT OF THE INTERIOR,
Washington, Nov. 20, 1891.

The COMMISSIONER OF PENSIONS:

SIR: Herewith are returned the papers which accompanied your report Sept. 18th, 1891, upon the appeal of Alfred Arnaud from the action of your Bureau rejecting his claim for pension.

Appellant claims to have enlisted in Co. F, 5th Mo. Inf., the 13th day of May, 1861, to serve for three months. That he was thereafter during said service ordered by Gen. Fremont, commanding the Department of the Missouri, to headquarters at St. Louis, and was then ordered by him to enter the rebel lines on secret service; that in accordance with such orders he entered the rebel lines in Kentucky and Tennessee, remaining absent until about the 5th of September, 1861, when he reported to Gen. Grant, commanding the United States forces at Cairo, Ills., and gave valuable information as to the movements of the rebel forces, upon which Gen. Grant acted; and that the movements inaugurated upon such information resulted in the capture of Paducah with a large amount of rebel stores. That on the 6th day of September he reported to Major-Gen. Fremont at St. Louis the result of his explorations and was by him again ordered into the rebel lines. He entered them again in Tennessee and Kentucky, remaining in said secret service until about the 18th day of November, 1861.

He further alleged that, on the 4th of September, at Union City, Tenn., he was, while a prisoner in the hands of the rebels, assaulted in a tent by one Little, who struck him upon the head with the butt of a pistol; that he left said tent, had his wounds dressed at a drug store, purchased a horse, and made his escape from the rebel lines, and next reported, as above mentioned, to Gen. Grant at Cairo. On the second expedition he was wounded in the leg; that he claimed pension because of said wounds.

The claim was rejected April 29th, 1887, on the ground that "claimant's injuries were received subsequent to his discharge from Co. F, 5th Mo. Vol. Inf., August 27th, 1861, and the adjutant-general refuses to recognize him as a commissioned officer or enlisted man of the regular or volunteer forces of the United States subsequent to said 27th day of Aug., 1861."

The claimant then applied to the Commissioner of Pensions for a rehearing, and his case was personally considered by him Aug. 8th, 1887. The ruling of the Commissioner closes with the following:

"An examination of the statutes fails to disclose to the Commissioner any designation under which this claim can be recognized.

"Suppose the record of the War Department to correctly present two facts—the muster and discharge. If these recitals are accurate, De Arnaud ceased to be an officer or in the employ of the military branch of the United States service on the 27th day of August, 1861. He seems to have recognized the correctness of this position in his subsequent claim for pay as a special agent. If he had not been mustered out at that time—if the War Department record was wrong—then the pension might be claimed under the first paragraph of section 4693, Revised Statutes, which is as follows:

'"Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received or disease contracted while in the service of the United States and in the line of duty, etc.'

'"It will be observed that this section provides that if any "officer" or "enlisted man, however employed," whether regularly mustered or not, be disabled by reason of any wound received or disease contracted while in the service of the United States and in line of duty, he is entitled to a pension. (De Arnaud was not either an officer or an enlisted man, September 4, 1861.)'

"Nor is Captain De Arnaud's case made out under the third paragraph of Section 4693, supposing, as above, the recitals of the War Department to be correct, inasmuch as De Arnaud was not in the militia of any State under the order of an officer of the United States, and did not volunteer for the time being to serve with any regularly organized military or naval force of the United States, or otherwise volunteer or render service in any engagement with rebels or Indians. And if, under the broadest construction, his services could have been held to be pensionable under the third section of the said act, as stated, the statute provides that no pension shall be issued thereunder, unless prosecuted to a successful issue prior to the 4th day of July, 1874.

"Enough is seen in this case to assure the Commissioner that while Captain de Arnaud was in the service of the United States it was not in a military capacity recognized by the pension laws of the United States. He was not an enlisted man, and does not claim to have been. He was not an officer of the United States, as he had been mustered in and mustered out. His term of service had been definitely terminated by regular and formal steps. The application for pension must, under existing laws, be denied. The points wherein this claim is lacking are indicated in this opinion.

"A successful impeachment of the record of the War Department would reopen the case. If Captain de Arnaud should prove to the satisfaction of the Commissioner that he was absent from his company and was *not mustered out* with it, that would reopen his case, but, in the meantime, it must stand rejected."

August 31, 1887, claimant again applied for a rehearing and stated that as the War Department had refused to amend the record of his services so as to include the date when he was wounded in the head, September 4, 1861, he now amends his declaration by applying under paragraph 3 of section 4693, R. S., and asks that in view of the fact that he was insane from 1862 to 1865, the limitation of said section, requiring the claim to be prosecuted to a successful issue prior to July 4, 1874, be not held against his claim.

On said rehearing the Commissioner rendered the following opinion, September 26, 1887:

"Since the publication of the foregoing ruling, the claimant has elected upon a motion for rehearing to base his claim upon the second clause of paragraph 3 of section 4693 of the Revised Statutes of the United States, which paragraph, reciting certain classes of persons entitled as beneficiaries to pension, reads as follows:

"'Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wound or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service, shall be valid, unless prosecuted to a successful issue, prior to the 4th day of July, eighteen hundred and seventy-four.'

"The claimant has filed some evidence and argument of counsel in support of said claim. The evidence is purely cumulative in its character. The argument is based upon two points which represent the contention of claimant:

"First. That the bar of the statute affixing a limitation to claims to be presented thereunder, viz, July 4, 1874, is not applicable to claimant, for the reason that during the time covered by said statutory limitation claimant was, and had continued for a considerable time thereafter to be, insane. This proposition is not established as a matter of fact.

"Second. That he is within the legal operation of the section above quoted.

"The evidence shows that the 'insanity' of the claimant, supposing the proof to have shown any insanity, was not of a character to prevent him from engaging in an active contention with the Government concerning this identical claim, which was satisfied by the order of the Executive, and the proceeds of such satisfaction received by the claimant himself during this alleged period of insanity. Insanity, to incapacitate or invalidate, or to be availed of, must be shown to be of that kind and degree that it prevents the exercise of the normal faculties of the mind in and about the matter in contention. A mania for the committing of an immoral or illegal act does not necessarily carry with it inability to contract or assert other rights of the individual himself. In this case it is true that Captain de Arnaud's business faculties in and about the prosecution of claims, based on this identical service, were unimpaired.

"Again the alleged insanity did not arise, as shown by this record, until subsequent to the time when the alleged right to pension accrued, so that there was opportunity, if the claimant had so desired, for waging his claim prior to any alleged mental disablement.

"But supposing that the claimant's insanity had been established—of the extent and character claimed by him—still this claim could not be admitted under the statute upon which claimant has elected to base his claim for the following reasons:

"First. Claimant was not at the time of the receipt of the alleged injuries a member of the militia of any State.

"Second. He did not volunteer for the time being to serve with any regularly organized military or naval force of the United States.

"Third. He did not otherwise volunteer or render service in any engagement with rebels or Indians.

"Fourth. His own claim, which is urged before the Department, as appears from the record in this case, shows the services were precisely those designated in the original ruling filed in this case—secret services—and for disabilities arising from this class of services, *per se*, Congress has not as yet provided a pension.

"The original ruling is affirmed."

Sept. 14th, 1891, the War Department furnished the following:

"It appears from the records that Alfred Arnaud was mustered in as Captain, Company F, 5th Regiment Missouri Volunteers, May 13th, 1861, for three months, and mustered out and honorably discharged as such with company, Aug. 27th, 1861."

Aug. 6th, 1890, the claimant was indicted in the District of Columbia for making "a certain false, fictitious, and fraudulent claim for pension based on a false affidavit as to services and injuries, wherein he alleged that he served as captain of Co. "F," 5th Mo. Vols., under the orders of the general commanding the Department of the West."

After a trial of said case, claimant was found not guilty, and discharged January 29th, 1891.

Jan. 31st, 1891, you rendered the following decision:

"No. 582443. Claim of Charles Alfred De Arnaud. Upon examination of this case I find the following facts:

"First. That the claimant, Charles Alfred De Arnaud, is not the identical Alfred Arnaud, who in the year 1861, was enrolled and mustered in as captain of Company F of the 5th Missouri Volunteer Infantry. Said Alfred was another person whose identity has been established and who has now on file in this office a claim for a pension, No. 772956.

"Second. That said Charles Alfred De Arnaud has failed to show that he was ever mustered into the military service of the United States and has also failed to show that he was ever mustered out of the military service of the United States.

"Third. There is no doubt as to the fact that Charles Alfred De Arnaud was employed by Gen. John C. Frémont to perform certain services. This is evidenced by the letter of Gen. Frémont, dated Astor House New York, Jan. 2d, 1862, in which he states that "Mr. Charles De Arnaud was employed by me in traveling throughout the rebel parts of Tennessee and Kentucky with the object of ascertaining the strength, condition, and probable movements of rebel forces.'

"This letter, written immediately after the employment of De Arnaud by Gen. Frémont and at a time when his recollection of the facts was clear, contains no statement as to De Arnaud having been mustered into the military service.

"Fourth. Under existing laws, this claim for pension can not be allowed. I have called the papers in this case up for examination, for the reason that said Charles Alfred De Arnaud has recently been tried and acquitted upon a charge in connection with this claim, and I have examined the same with a view to determining for myself whether or not he is entitled to a pension under existing laws, and I find that he is not."

From this action claimant appeals.

From the evidence obtained on special examination, it is evident that the record furnished by the War Department does not refer to the claimant directly, but to another Alfred Arnaud, M. D., who, in 1890, was a resident of Hot Springs, Ark. He swears that he was mustered in as captain of Co. F, 5th Mo. Vols., on the 13th day of May, 1861; and served with the company continuously until he was mustered out, Aug. 27th, 1861; that he never heard of any other man of the name of Arnaud who was connected with the said company or regiment.

Claimant testified in the criminal trial that he never signed a muster roll, but considered himself mustered in when he took an oath before a justice of the peace and got his commission. He never saw one of the officers of the regiment; was detached, simply commissioned, not in command. He was not required to report to the regiment, but to headquarters, and had the right to style himself "captain of the 5th Missouri Regiment," and wore a uniform. He was never with Co. F and never heard of *Captain* Arnaud.

He also testified that he received the following commission from Gen. Frémont:

"By virtue of the authority vested in me by the President of the United States, I hereby appoint you as captain of the 5th Mo. Vols, your appointment to date from June or May," and signed John C. Frémont, major-general, commanding Western Department, Missouri. The claimant was permitted to give parol evidence of the contents of the commission by the court.

It is evident that, as far as claimant is concerned, there is no record of service furnished by the War Department among the papers in the case. Touching the question of services rendered by appellant other than what is shown by the admissions of your bureau, the following appears among the papers:

"The claimant was paid $600 on the following orders and receipts:

HEADQUARTERS, WESTERN DEPARTMENT,
Camp near Jefferson City, Oct. 6, 1861.

Major PHINNEY, U. S. A.,
Paymaster, etc.:

Will pay to Charles De Arnaud the sum of three hundred dollars ($300) for secret service.

J. C. FRÉMONT,
Major-General.

Received, Warsaw, Mo., October 23, 1861, of Major Jas. H. Phinney, paymaster, U. S. A., the sum of three hundred ($300) for account of secret service rendered to the U. States by special order of Major Genl. Frémont, dated near Warsaw, Mo., Oct. 23, 1861.

CHAS. DE ARNAUD.

IN THE FIELD,
HEADQUARTERS WESTERN DEPARTMENT,
Oct. 23, 1861.

Major Phinney will pay to the bearer, Mr. Charles De Arnaud, three hundred dollars for secret service to the United States.

J. C. FRÉMONT,
Major-General, Comm'n'dg.

Received, Jefferson City, October 6, 1861, from Major J. H. Phinney, three hundred dollars for secret service, as per special order of Major Genl. J. C. Frémont of this date. $300.

(Signed duplicate.)

CHAS. DE ARNAUD.

"On Jany. 6, 1862, claimant presented his claim to the War Department, and it was reported upon by the quartermaster as follows:

No. 22.—*The United States to Charles De Arnaud, Dr.*

January 6, 1862. For special services rendered to United States Government in traveling through the rebel parts of Kentucky, Tennessee, &c., and procuring information concerning the enemy's movements, &c., which lead to successful results (as per certificate hereunto appended)..... $3,600

Q. M. GENERAL'S OFFICE, *9th Jan., 1862.*

In view of the certificate of Gen. Grant of 30th Nov., and the more general certificate of Maj. Gen. Fremont of 2d Jany., herewith, covering all Mr. Arnaud's services, the sum of thirty-six hundred dollars appears to me to be a not unreasonable compensation. I state this at Mr. Arnaud's earnest request.

M. C. MEIGS,
Q. M. Genl.

"On the 13th of January, the claimant went to President Lincoln and laid before him his claim, with the following letters:

CAIRO, ILL., *January 6, 1862.*

Hon. A. LINCOLN,
President U. S. A.:

The bearer, Charles de Arnaud, has to my knowledge rendered important services to the Government. He, at the risk of his life, gave information which led to our

capture of Paducah, Ky., in advance of the rebels; thereby he saved the country thousands of lives and millions of dollars. I fully indorse his certificate of Maj. Gen. J. C. Fremont. He is entitled to the largest remuneration the Government pays for such services.

Respectfully, etc.,

A. H. FOOTE,
Flag Officer.

HEADQUARTERS DISTRICT SOUTHEAST MO.,
Cairo, November 31, 1861.

CHAS. DE ARNAUD:

SIR: In reply to your request, and the note from Major-General Halleck presented me by yourself, I can state I took possession of Paducah, Ky., solely on information given by yourself, and to the effect that the rebels were marching upon that city with a large force. This information I afterwards had reason to believe was fully verified: First, because as we approached the city secession flags were flying and the citizens seemed much disappointed that Southern troops expected by them were not in advance of us. It was understood that they would arrive that day. I also understood afterwards that a force of some four thousand Confederate troops were actually on their way for Paducah when taken possession of by my order. A point through which many valuable supplies were obtained for the Southern army was cut off by this move, and a large quantity of provisions, leather, etc., supposed to be for the use of the Southern army, captured. For the value and use to which these were put I refer you to General Paine, whom I left in command. Only remaining in Paducah a few hours, and being busily engaged with other matters during that time, I can make no estimate of the cash value of the stores captured.

Yours, etc.,

U. S. GRANT,
Brig. Gen.

ASTOR HOUSE, *New York, Jan. 2, 1862.*

This is to certify that Mr. Charles de Arnaud was employed by me from about the first of August in traveling throught the rebel parts of Tennessee and Kentucky, with the object of ascertaining the strength, condition, and probable movements of the rebel forces. He made under my direction many such journeys, reporting fully and in detail upon the force of the various encampments and the condition and strength of garrisons and various works in Tennessee and along the Mississippi River. He obtained this information at much personal risk and with singular intelligence, and performed the duties intrusted to him entirely to my satisfaction. He continued on this duty until the termination of my command in the Western Department. His services were valuable to the Government, and I consider him entitled to the largest consideration that the Government allows in such cases or to such agents.

J. C. FREMONT,
Maj. Genl. U. S. A.

"President Lincoln folded the letters together and wrote on the back of General Grant's letter the following:

I have no time to investigate this claim; but I desire the accounting officers to investigate it, and if it be found just and equitable to pay it, notwithstanding any want of technical legality in form.

A. LINCOLN.

Jan. 13, 1862.

"Thereafter, on the next day, January 14, the Secretary of War made the following indorsement on said claim:

I have considered this claim, and can not bring my mind to the conclusion that the sum charged is not exorbitant. I am willing to allow $2,000 in full of the claim, and the dis. clerk, War Dept., is authorized to pay Charles de Arnaud that sum.

SIMON CAMERON,
Sec. War.

WAR DEPT., *Jany. 14, 1862.*

"The claimant was thereupon paid, under protest, by said disbursing clerk of the War Department out of the appropriation for 'Contingencies of the Army,' $2,000, and gave the following receipt:

The United States to Charles de Arnaud, Dr.

January 14, 1862. For services and expenses as special agent of the Govt $2,000

Received, Washington, January 21, 1862, from John Potts, disbursing clerk for the War Department, two thousand dollars, in full for the above account.

CHAS. DE ARNAUD.

"At the time of giving the receipt in full, January 14, 1862, he was not in a state of dementia and was able to comprehend the terms of the receipt; but the effects of his wounds in his head were beginning to affect him mentally, and he was in a condition of nervous apprehension and unnaturally desirous of securing his personal safety by getting out of the country, and he accepted the money paid by the War Department in order that he might do so.

"While engaged in the military service of the Govt., as aforesaid, he received a wound in his head in the fall of 1861, from which afterwards, in the same year, he became insane, and did not recover prior to February, 1886."

Gen. Fremont addressed the following letter to the Commissioner of Pensions Oct. 31, 1887:

Honorable JOHN C. BLACK,
Commissioner of Pensions:

GENERAL: I have been requested to state some circumstances connected with the service of Capt. Charles De Arnaud during my command of the Department of the West in 1861. I comply readily with the request because I should be glad to promote the interests of a deserving officer.

Capt. De Arnaud was chosen by me to make military reconnaissance in Kentucky and Tennessee, and on this duty I sent him to those States early in August, 1861. At that time he was in the service of the United States as captain of Co. F, 5th Missouri Volunteers. He was instructed to ascertain the positions and force and probable movements of the enemy, and to examine the country in order to the selection of such points as might be advantageously occupied by the Union troops. All of this duty he performed with skill and intelligence, at much personal risk, and to my entire satisfaction. The nature and duration of his service remained of necessity unknown to his company or others, except to such of my staff as the course of duty required to be informed. Being under my orders and reporting to me personally, he was relieved from ordinary duty with his company.

From about the 12th of August, when he came to make a report to me at St. Louis, he remained within the Confederate lines until the 5th of Sept., when he reported to Gen. Grant at Cairo, and to me on the 6th at St. Louis. During the interval he was beyond the reach of communication with the Federal forces, although borne on the rolls as present with his company. Capt. De Arnaud could not know of the order for the mustering out of his company until he returned to St. Louis in Sept. at the time he reported to me. He was then suffering severely from wounds he had recently received in the discharge of the duty assigned him. When Capt. De Arnaud was mustered out early in September on his return to St. Louis, the muster out was made so as to date of the day when his company was mustered out in August, but did not actually take place until in September.

Trusting that his case will receive favorable consideration, I am, gen., respectfully, your obed't serv't,

JOHN C. FREMONT.

Dec. 27th, 1889, he made the following affidavit:

DISTRICT OF COLUMBIA,
City of Washington, ss:

John C. Fremont, being first duly sworn, on oath deposes and says: That he was a major-general in the United States Army, and commander of the Western Department during the late war of the rebellion; that he is acquainted with Captain Charles A. De Arnaud, and has been acquainted with him since July, 1861; that he knows that the said De Arnaud held a commission as captain in one of the Missouri three-months' regiments, and was detailed by me on special duty as a military expert from the end of July to the early part of Nov., 1861; that the said De Arnaud performed no regimental duties during that time but those ordered by me, and that on the 12th of August, 1861, the said Captain De Arnaud was sent by me on special military duty, and did not return to St. Louis to report to me until the 6th day of September, 1861, and to my knowledge was not in St. Louis on the 30th day of August, 1861; that when the said De Arnaud returned to St. Louis on the 6th of September, 1861, as aforesaid, he stated to me that he had a narrow escape from death, and that he had been struck on the back of the head with a pistol, and he at that time exhibited his wounds in the head to me.

JOHN C. FREMONT.

Sworn to and subscribed before me Dec. 27, 1889.

A. W. COLEMAN, *N. P.*

On the trial of the criminal case before the supreme court of the District of Columbia Gen. S. G. Burbridge testified in substance as follows:

"In 1861 I was living in Kentucky, practicing law. After the war broke out I was engaged in raising troops. My position was rather peculiar. The governor had refused to furnish his quota of the 75,000 troops called for by Mr. Lincoln, and a few of us made up our minds to raise troops notwithstanding. Mr. Lincoln sent Gen. Nelson to Kentucky who gave me an appointment as colonel of a Kentucky vol. regiment, no designation, and under that I served for a year and a half. The governor refused to commission any officer, and Missouri was in the same condition only worse, for the governor of Missouri went into rebellion. The appointments had to be made by some one in command.

"He first met claimant in Louisville, Ky., at the headquarters of Gen. Rousseau in the latter part of July or the first of August, 1861. He (claimant) had just returned from a trip in the Confederacy and he was attending those headquarters urging the general to move forward. He then held the rank of captain. I saw his appointment. He was appointed by Gen. Fremont as captain, I think, in the 5th Missouri Regiment, as near as I can remember.

"We compared our appointments, and his was in the handwriting of Gen. Fremont, and read as follows: 'By virtue of the authority vested in me by the President of the United States, I hereby appoint you captain of so and so and detail you on my staff for staff duty.' The witness says this was frequently done in Kentucky and Missouri, as there was no other way to do it. Claimant wore a captain's uniform, with two bars. That he was wounded in the head at Union City, Ky., in 1861, by being struck on the head while a prisoner."

Gen. Albert Tracy and Major George P. Edgar both swear that they were appointed by Gen. Fremont in 1861, in substantially the same manner as claimant alleges he was, and that they saw him about Gen. Fremont's headquarters, acting as a military expert. Major Edgar says he was called captain.

Gen. Tracy further states that "each and every of the said provisional appointments or commissions by Gen. Fremont, as well as by others preceding him in command, being subsequently confirmed and substantiated, and those holding the same allowed their past pay and emoluments under and by virtue of the act of Congress of March, 1862."

The Hon. Thomas Fletcher swears that he saw Capt. De Arnaud in 1861, at the Planters' House, in St. Louis, and at Gen. Fremont's headquarters. He wore a captain's uniform, and was a volunteer aid on General Fremont's staff, as he understood.

Gen. Fremont made the appointments.

Claimant was born in Russia and educated in the military school of engineers, and in 1861 was well versed in military tactics and science.

It is contended that claimant's case is covered by the provisions of the act of Congress approved March 25th, 1862, which is as follows:

"That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

"SEC. 2. *And be it further enacted*, That the officers, noncommissioned officers, musicians, and privates so employed who may have been wounded or incapacitated for service shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

"SEC. 3. *And be it further enacted*, That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same according to existing laws."

But the 3d paragraph of section 4693 of the pension laws contains the following provisions: "But no claim of a State militiaman or nonenlisted person on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four."

(Indorsed:) J. B. G. Docket No. 10003, ——, 189—. Department of the Interior, June 27, 1891. Respectfully referred to the Commissioner of Pensions for report. (Signed) Cyrus Bussey, Assistant Secretary. Report received ——, 189—, and filed herewith. Final action: Nov. 20, 1891, rejection affirmed. V- 13. 10003. Appeal received June 27, 1891. Dated ——, 189—. From Belva A. Lockwood, 619

F St. NW., city. Subject: Appeal in the pension claim No. 582443, Chas. A. de Arnaud, 5th Mo. Vols.

The Department is of the opinion that the insanity alleged by the claimant does not affect the status of the case or prevent the bar of the statute of limitation. It may be a question whether the limitation contained in sec. 4693 is applicable to this case, as it applies to wounds or injuries received in battle, and the injury or wound in this case was not received in battle.

The act of March 25, 1862, provides "that the officers, noncommissioned officers, musicians, and privates so employed, who have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability."

Under a ruling of this Department it has been held that "claim on account of services in the Missouri Home Guards *and other irregular* organizations called into service by the generals commanding the Western Department or the Department of Missouri, title to pension for the same being established by the provisions of section 2 of the act of March 25th, 1862, shall in all respects be treated as claims on account of services in the volunteer forces of the United States, the *service to be established by the records of the office of the Third Auditor of the Treasury or the Paymaster-General, U. S. A.* (Digest of 1885, page 311.)

There is no such record in the case, and no record of his service in the War Department; hence there is no ground on which pension can be based. The rejection is affirmed.

Very respectfully,

CYRUS BUSSEY,
Assistant Secretary.

Mr. BROSIUS. That statement shows that the letter of Gen. Raum was filed in the Department in this case, because it refers to that. It is not addressed to anybody; but it must have gone in in the regular course, because Gen. Bussey is his superior officer and he refers to it.

Mr. ENLOE. Oh, yes; there is no doubt about that, and here is a letter he wrote transmitting that. The letter is dated September 18, 1891. After his acquittal there was not a move made by him or his attorney, and yet Gen. Raum takes this case up and writes this letter.

By Mr. BROSIUS:

Q. And now he appeals from that decision?—A. Yes, sir.

Q. What date?—A. June 27, 1891.

Mr. ENLOE. He called it up and wrote his opinion on his own motion.

Mr. BAILEY. The last action was the rejection, and it stood rejected and the appeal was made on the old case.

Mr. ENLOE. I would like to have this letter of September 18, 1891, go in evidence.

The following is the letter referred to:

[Claim No. 582443, Chas. A. DeArnaud, alias Alfred Arnaud, Co. "F," 5th Mo. Vols.]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 18, 1891.

SIR: In response to your special call of the 9th instant, I have the honor to transmit herewith all of the papers in the above-cited claim for consideration and action on the pending appeal.

Attention is respectfully called to my letter of January 31st last, showing my reasons for adhering to the rejection of this claim.

Very respectfully,

GREEN B. RAUM,
Commissioner.

To the honorable the SECRETARY OF THE INTERIOR.

Mr. DUNGAN. Captain, were you captain of Company F of the Fifth Missouri Volunteers?

A. I was commissioned captain and detached on Gen. Frémont's staff.

Mr. DUNGAN. Were you of Company F?

A. No, sir; and I never claimed to be.

Mr. BROSIUS. There is only one place for one captain in each company, isn't there?

A. As many places as the commanding officer sees fit.

Mr. BROSIUS. And detach them on staff duty?

A. Yes, sir; I was commissioned as Capt. Alfred Arnaud.

MR. ENLOE. I want to offer in evidence letter of W. J. Brooks, special examiner, to Green B. Raum, stating the arrest.

Letter received in evidence, which is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., Aug. 9, 1890.

Hon. GREEN B. RAUM,
Comm'r of Pensions:

SIR: I have the honor of stating that Charles De Arnaud, alias Charles A. De Arnaud, alias Alfred Arnaud, applicant for pension under No. 582443, was placed under arrest on the 8th inst. under an indictment found by the grand jury for the District of Columbia, 6th inst., upon the charge of violation of sec. 5438 R. S. He was admitted to bail ($2,500) for appearance at court at the September term, prox

Very respectfully,

W. J. BROOKS,
Special Exam'r.

Mr. BROSIUS. (To witness.) That designation as captain of Company F stuck to you?

A. Yes, sir; they would not let me off; as sure as I believe in providence and my church, after the adjutant-general returned that record it was my own belief that the record was mine. I believed it as sincerely as a man could believe anything, and so did Gen. Frémont, for I could never imagine the Government could give me a wrong record.

The CHAIRMAN. You thought that was true?

A. Yes, sir; I didn't know there was another Arnaud.

Q. Did you find out to the contrary?—A. Yes, sir; I did, in the New York World, on the 8th day of July, when Gen. Frémont was interrogated upon it; that was in July, 1890.

Q. That is the first time you found out there was any confusion between your record and the record of De Arnaud, of Company F, Fifth Missouri?—A. Yes, sir.

Mr. DUNGAN. I understood that was the first you knew there was another De Arnaud?

A. Yes, sir; the first I knew, and the reporter of the World went to Gen. Frémont and interviewed him about this.

Mr. ENLOE. I want to ask you to admit the testimony which I offered in the beginning of this examination. I want to prove now the statement by this witness of what the contract was between him and Gen. Raum. What was your contract with Gen. Raum in regard to the prosecution of your claim against the Government?

Mr. BROSIUS. I object to that as a member of this committee.

The CHAIRMAN. I think we can arrange that this way:

Q. (By the CHAIRMAN.) How much was allowed you by Congress on your claim?—A. The Senate Military Committee allowed me $5,000, to be put in the appropriation bill.

Q. What did you do in regard to it?—A. I refused to take it, as I did not consider it was enough.

Q. If you had taken it, how much would have been due Gen. Raum?—A. Two thousand five hundred dollars.

Q. Is there anything further you wish to say? You have come vol-

untarily before the committee, and if there is anything further you wish to state, you may do so.—A. I have got nothing more to say, unless you ask.

The CHAIRMAN. (To Mr. Bailey.) Do you wish to cross-examine, Mr. Bailey?

Mr. BAILEY. I would like to ask him one or two questions. He testified a moment ago that he knew Gen. Raum had said he had him where he wanted him?

A. I heard others say that.

Q. I want to recall that to his mind and ask him if this action of Gen. Raum in regard to your indictment is not hearsay, and not of your personal knowledge?—A. No, sir; not from personal conversation. I would not speak to that man to save his life, any more.

Q. You have already testified that you were not captain of Company F?—A. I never was, and never said I was.

Q. And that you made this sworn statement, which is on file, that you were captain of Company F, because the War Department gave you that record?—A. No, sir; that is not so; that is where you civilians are not fit to adjudicate pensions. I say I was commissioned captain of Fifth Missouri Volunteers, and detached on special duty. I never swore that I was commanding captain. The commanding captain and captain are two different people entirely.

Q. Your misunderstanding arose from the War Department?—A. If you will permit me to explain it, I will do so; do it with the record if you will produce those affidavits.

The CHAIRMAN. Was that fact mentioned before the War Department record was sent for?

A. Captain of Company F, Fifth Missouri Volunteers. That came to me from the War Department, and I believed in it. That got into the record and got mixed up with my papers. As soon as my record came from the Adjutant-General's Office, giving me Company F, if I was the captain, then I am a fraud, because I swore falsely, because I say I was out at such a place at such a date, whereas Capt. Arnaud's record shows I was at Wilsons Creek, and I was captain of that company and acting as captain. If I was not captain, then my record is right, and I am entitled to a pension under the act of the 25th of March, 1862. I would not impersonate a man and not gain anything by it, would I? The pension was rejected and Gen. Black rejected it like a gentleman, and, out of respect to Gen. Fremont and to my record there, he says, "That this pension case is rejected until this adjutant-general's record is impeached." Then I had to impeach it, and I could not do it very well, because I was not mustered out on the 27th of August, 1861; so how could I go at it to impeach it?

The CHAIRMAN. When were you mustered out?

A. On the 18th of November. Let me tell you what I did then; I went to Gen. Fremont and said, "General, see this——

Mr. BROSIUS. That would not be evidence, any conversation you had.

A. I asked him to give me a certificate.

Mr. BROSIUS. I object to lumbering up the record that way.

The CHAIRMAN. You have already explained that.

Q. You stated you did not know this other de Arnaud until July?—A. Three years afterward.

Q. And you say the actual de Arnaud of Company F, Fifth Missouri, was mustered out in August?—A. Yes, sir; and I was not.

Q. And his record shows that?—A. Yes, sir.
Q. And you were mustered out in November?—A. Yes, sir.
Q. And your record ought to show that too?—A. Yes, sir.
Q. By order of whom?—A. Order of Gen. McClellan.

Mr. DUNGAN. I don't know whether the reporter got my question before, and, in order to make the record clear, I want to ask whether in your original application for a pension you stated you were of Company F, of the Fifth Missouri Volunteers?—A. No, sir; Company F was put there by the War Department.

Mr. ENLOE. You had better answer that question of Mr. Dungan by looking at your application and reading from it. [Mr. Enloe hands paper to witness.]

A. On seeing my original application I find as follows: "Charles Alfred de Arnaud, being sworn according to law, declares that he is the identical Alfred Arnaud who, in the year 1861, was enrolled and mustered in as a captain of the Fifth Missouri Volunteers of Infantry of St. Louis, Mo.; that he was detached on the staff of Gen. John C. Fremont, Western Department, for special important military duties," etc.

The CHAIRMAN. Whose handwriting is that?

A. That is my own. I wrote that.

The CHAIRMAN. I want that application in the record.

Mr. ENLOE. We will only want what he has read, and the reporter has that; that will be sufficient.

The CHAIRMAN. Is that the only application you ever put in for a pension?

A. Yes, sir. Afterwards I tried to get out of this Company F and I got in deeper and deeper into it.

Mr. BAILEY. When you subsequently made the allegation that you were captain of Company F, it was because that after you made this original declaration alleging you were in the Fifth Missouri, you got notice from the War Department that you were in Company F?

A. No, sir; after the rejection of the pension by Gen. Black.

Q. What led you to state you were in Company F?—A. The rejection by Gen. Black and the record the Adjutant-General sent to the Pension Office.

Q. You had the information that the War Department had credited you to Company F?—A. Yes, sir.

Q. You knew you were not in Company F when you filed your application?—A. Yes, sir; and I stated so.

By Mr. ENLOE:

Q. I will ask you if you knew at the time you filed this original application here that there was another Capt. de Arnaud?—A. No, sir, never; nor did Gen. Fremont or Mrs. Fremont.

Q. When the War Department furnished you the military record of Capt. de Arnaud, bearing the same name that you did and of the same regiment, did you suppose that that was your record?—A. Most decidedly, I believed it; I believed it as sincerely as anything, and did believe it until that July, in 1890, when that article appeared in that paper. [Referring to the New York World interview.]

Q. Were you with the Fifth Missouri Regiment in the service at all?—A. No, sir; never saw the regiment in my lifetime. Don't know the colonel's name to-day.

Committee adjourned until to-morrow morning at 12 o'clock.

WASHINGTON, D. C., *Wednesday, May 4, 1892.*

The committee met at 12 m., noon. Present, the chairman (Hon. H. H. Wheeler), Messrs. Dungan and Brosius, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

The CHAIRMAN. Gentlemen, I have received a communication from the Commissioner of Pensions which I wish to lay before the committee. [Hands paper to Mr. Enloe]. Mr. Enloe, will you please read those papers?

Mr. Enloe reads the following letters:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, May 2, 1892.

Hon. H. H. WHEELER,
Chairman of the Committee of Investigation of the Bureau of Pensions:

SIR: Referring to the request of your committee to be furnished with copies of letters addressed by George W. Wayson, jr., assistant chief of the special examination division of this Bureau, to Theodore Smith, the acting chief of said division, and of letters addressed by said Theodore Smith to the Commissioner of Pensions, which letters are suposed to have formed the basis upon which the Commissioner of Pensions and the honorable Secretary of the Interior acted in retiring certain persons from the Bureau of Pensions, I have to state that on the 18th day of April I addressed the honorable Secretary of the Interior a letter upon this subject, a copy of which I herewith inclose for your information, in which it will be observed that I submitted the question to the Secretary, whether he would direct that the desired information be furnished to your committee.

I have now the honor to inform you that I have been directed by the honorable Secretary of the Interior to refuse to furnish the information desired upon the ground that the Constitution and laws of the United States repose in him the power of appointment and removal, and that in his opinion he is not required to furnish to Congress or one of its committees the ground upon which such appointments and removals are made.

Very respectfully,

GREEN B. RAUM.
Commissioner.

Inclosed in the above letter was the following copy of communication:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, April 18, 1892.

To the honorable the SECRETARY OF THE INTERIOR:

SIR: I am in receipt of a letter dated April 16, 1892, signed by A. D. Wilcox, examiner for the committee (a copy of which I herewith forward for your consideration), from which it will be seen that the special committee of the House of Representatives now conducting the investigation into the affairs of the Pension Office wish copies of all correspondence between George W. Wayson, jr., and Theodore Smith, chief of the special examination division of the Pension Office, in regard to the dismissal of special examiners and clerks in the special examination division, which letters, as I understand the matter, constitute the basis of action of Commissioner Tanner and the Secretary of the Interior in the removal of certain persons from the office during the incumbency of the office by Commissioner Tanner.

I understand that this correspondence is quite voluminous and relates to a number of persons. I wish to submit for your consideration the question whether these copies shall be furnished. They relate solely to the question of the removal of employees of the bureau by the Secretary of the Interior, and constitute the reasons for your action in removing certain persons as employees of the office, and the question arises whether you are compelled by Congress to an investigating committee to give your reasons for the exercise of the discretion of removal lodged in you by the Constitution and laws of the United States.

You may recall the controversy which arose between the Senate of the United States and President Cleveland upon this identical question. The President, when called upon for information of that kind by the Senate, firmly declined to give it, upon the ground that the appointing power was to be the judge of the causes of removal and was not to be called in question by the Senate.

I submit this matter for your consideration and instruction.

Very respectfully, yours,

GREEN B. RAUM,
Commissioner.

Mr. BROSIUS. I move that the committee adjourn, Mr. Chairman, because the counsel for the Bureau is not here and the counsel against the Bureau is here, and I do not think we should proceed any further in regard to the matter at present.

The CHAIRMAN. I don't think we had better do anything with it at present. This matter has assumed such a shape that I want ample time given to everybody, so that the subject may be fully considered and discussed.

Mr. BROSIUS. Suppose we adjourn until Monday morning at 10.30 a. m.

The CHAIRMAN. All right, I think that is satisfactory to the members of the committee present.

The committee adjourned until Monday morning, 10.30 a.m.

WASHINGTON, D. C., *Monday, May 9, 1892.*

The committee met at 10:30 a. m.

Present: The Chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

The CHAIRMAN. Gentlemen, here is a letter from Secretary Noble, dated May 7, 1892. Is there any objection to that going in the record:

There being no objection the letter was received in evidence.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1892.

Hon. H. H. WHEELER,
Chairman of the Committee on the Investigation of the Bureau of Pensions,
House of Representatives:

SIR: I have learned from the Commissioner of Pensions, by his letter to me of the 2d inst., received at the Department on the 4th, of his communication to you, dated May 2d, in which he states that he has been directed by the honorable the Secretary of the Interior to refuse to furnish the information desired by your committee concerning certain correspondence, "upon the ground that the Constitution and laws of the United States repose in him (the Secretary) the power of appointment and removal, and that in his (the Secretary's) opinion he is not required to furnish to Congress or one its committees the grounds upon which said appointments and removals are made.

While believing that this statement of the law is such as I might rely upon safely, were I so disposed, as the head of this Department, I have to inform you that the Commissioner has misapprehended my purpose, so far as the investigation by your committee is concerned. I have no disposition to refuse in this instance, either upon the ground stated by the Commissioner or any other, an investigation into the correspondence mentioned by you in your letter of April 16, but I think your demand should be more definite as to cases and kinds, otherwise the labor will be very great, and the time and clerical force required to perform it more than you probably desire or expect.

It is due to the Commissioner to say that when his letter came to me I referred it to the Assistant Secretary for consideration and report. This report was not made in writing, nor was anything more said to me in regard to the business than that it would require a large clerical force to secure the copies necessary; and my intention in anything I said to the Assistant Secretary was no more than that your committee should be informed of this fact and you be asked to specify as far as possible the particular letters you desired, when copies would be furnished. If from conversation with the Assistant Secretary, or this expression of mine in connection with his own letter, wherein he suggested the constitutional ground that might be assumed, the Commissioner derived the idea conveyed to you as my determination, it was not from anything communicated by me.

The mistake would not have occurred had not your committee addressed the Commissioner in regard to papers and documents belonging to the Department instead

of addressing the head of the Department directly. Had the Secretary been inquired of, his views would have been communicated to you with directness and certainty.

I am not content to have your committee close its labors upon any misapprehension as to my willingness to allow a free investigation, and I beg to say now that if you will convey to me a statement of what the committee desires in regard to correspondence as to special examiners and within what date you desire it, I will furnish copies as soon as the force at my command will allow. Whatever may be my constitutional rights as an officer, I adhere to the purpose expressed when I first voluntarily appeared before your committee, that, in accordance with the views of the President, I wish to aid you in your investigation and not to hinder you.

Most respectfully, yours,

JOHN W. NOBLE,
Secretary.

The CHAIRMAN. I am also in receipt of a letter from Mr. Tonner, inclosing the following order, which I wish introduced in evidence.

Order received in evidence, and is as follows:

ORDER.] DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1889.

Heads of bureaus and other officers of this Department will not call for resignations except by direction of the Secretary, and in making recommendations for the dismissal of employés will please state specifically the reasons therefor, and must state whether there has been due examination of all papers on file in the appointment division; and there must be transmitted to the Secretary all papers bearing on the subject and the recommendations.

JOHN W. NOBLE,
Secretary.

H. C. TONNER—Recalled.

Mr. ENLOE. I wish, first, to offer the telegram sent by Gen. Bussey, Assistant Secretary of the Interior, to Commissioner Raum, in refer- to the action of the First Assistant Secretary in accepting the resignation of his son, Green B. Raum, jr. I have asked Gen. Raum several times for this telegram. I find it in the files of the Interior Department and here is a certified copy of it, and I will have Mr. Tonner identify it as relating to that matter.

By Mr. ENLOE:

Q. I will ask you to state what that telegram relates to?—A. This relates to the acceptance of the resignation of Green B. Raum, jr.

Mr. ENLOE. I offer that certified copy in evidence.

Copy received in evidence, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions, Grand Pacific Hotel, Chicago, Ill.:

In view of rumors here and the fact that Lyman sent his report to the Attorney-General, Judge Chandler decided to accept the paper you left with Mr. Tonner.

CYRUS BUSSEY,
Assistant Secretary.

(Charge Government.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, May 9, 1892.

I certify that this is a correct copy of the original.

CLARENCE D. ALLEN,
Acting Chief of Appointment Division.

Mr. ENLOE. I want to call the attention of the committee to a matter which we have never yet disposed of, in regard to the letter which was

produced by Gen. Raum, written by Mr. Dugan, in regard to Gen. Bussey.

By Mr. ENLOE:

Q. Mr. Tonner, just state to the committee in regard to what was done to that paper.—A. I will read you what I jotted down five minutes after it occurred. I think it was on the 24th of March that I was here before the committee. "March 25, 1892." I sat down at my desk after this occurred and made this memoranda and threw it in the pigeonhole in case of future use:

At 2:30 o'clock this day Gen. Bussey came into my room and quietly asked me wherefore I permitted the article written by Gen. Dugan to be produced and read in evidence before the committee now investigating the Pension Office. I assured him that I did not know of the existence of such an article until I heard it read before the committee. He replied that it was a most scurrilous and slanderous article and he did not want it published to the world; that it was his personal property, placed in Dugan's jacket at his request. The article, with many others, was on Mrs. Bank's typewriter to be copied for and at the request of the committee. He asked to see it. Upon showing it to him he put it in his pocket and went off with it, saying the article was his and the committee should not have a copy.

A. G. TONNER,
Assistant Chief of the Appointment Division.

Subsequently I had an interview with Gen. Bussey, and he said he placed that Dugan article in the files of the Department simply for safekeeping, but regarded it as his personal property—no relation to the Dugan case at all. He regarded it simply as his personal property, and he did not want it published to the world; didn't want it to become a part of the files.

Q. Did he tell you he destroyed the paper?—A. No, sir. A few hours afterwards—it may have been the next morning, but I think almost immediately following—I met Judge Payson in the hall and referred to the fact, and he said he did not care whether this was made a part of the files or not, if Gen. Bussey didn't want it to. I don't know whether the paper is in existence or not. I called on Gen. Bussey this morning to make some inquiries concerning it, but he is in New York, and consequently I did not see him. I don't know whether it is destroyed or not.

Mr. BROSIUS. Are you aware that there were several thousands of them printed?

A. I don't know. I understood from what Gen. Bussey told me that Dugan tried to have it so, but didn't get them printed, and sent him a typewritten copy of it. That is my recollection of it.

A. D. WILCOX—Recalled.

Mr. ENLOE. I want Mr. Wilcox to state what Gen. Bussey told him in regard to this paper.

A. I called on him——

Mr. BROSIUS. Has it been understood, now, by the committee that the circular will not go into the record?

Mr. ENLOE. I want to state that we can't get it to go in. We want to get it so we can go on with the printing.

Mr. BROSIUS. If that is not going into the record and not be a part of this case, then I submit any statement on the part of Gen. Bussey is not proper evidence and should not be put in here.

Mr. WILCOX. I called on Gen. Bussey, I think, three or four times

for this letter, by direction of Judge Wheeler, and he said he would not furnish it, and finally he told me he had destroyed the letter; and he also stated that it was his understanding with the committee that it was not to go in. This last statement of Gen. Bussey was made in the presence of his secretary and myself.

Judge PAYSON. I want to say that sometime after the paper was put in evidence I saw Gen. Bussey with reference to its retention and putting it in the record and he desired it should be omitted from the record, and I came to the committee room and had a conference with some of the members of the committee, and I think Mr. Enloe as well, and my understanding was that the paper was not to be retained in the record, and I told Gen. Bussey as much as three or four weeks ago. I informed him what I understood in regard to it, and my understanding was in good faith about it that that was not to be retained in the record.

Mr. ENLOE. As soon as this paper was offered or within the next two or three days, I went into the Interior Department and had some business at Gen. Bussey's office, and he mentioned this circular and said he did not want it to go in the record, as it was a slanderous attack upon him, and I said to him that I didn't offer it in evidence myself, that it was offered by Gen. Raum or Judge Payson, his counsel, and that leaving it out of the record was not a matter that I could control or that Judge Payson could; that the committee would have to determine that matter. So far as I was concerned, I did not care whether it went in or not. But that it was produced as part of Gen. Raum's evidence and the committee would have to act upon it before it was stricken out.

The CHAIRMAN. All right, we will leave that in that shape, then, with the statement made by each of the parties and the paper will not be called for.

In regard to the testimony given by Mr. Rhodes, I have looked it over very carefully, and it appears to me it would lumber up the record and it would be a very foolish thing to leave it in, as it is a mass of stuff that would not attract the attention of a sensible man in any way. I think the whole of it should be stricken out—that part in which he speaks of Green B. Raum, jr., and all the rest of it, because I have the impression myself in regard to it that it should not be believed. It is a mess of stuff and is hardly worthy the attention of the committee, or of even any serious consideration. I do not think it would have a pin's weight in the final decision that the committee might arrive at.

Judge PAYSON. These reasons as expressed by you will go into the record, will they not?

The CHAIRMAN. Yes, sir.

Judge PAYSON. All right; I am satisfied, then, if what you say is to go into the record. I got a letter from home this morning in regard to what he said concerning young Raum, and all of that, and I think that what you say is right, and it ought to go out of the record entirely.

The CHAIRMAN. It does not strike me as anything worthy the attention of the committee at all. I have the impression it would not do to convict a man under such statements as he made. When evidence does not prove anything to my mind, I do not hesitate to say so.

Judge PAYSON. All right; with the statement you have made I am perfectly satisfied to have it stricken out.

The CHAIRMAN. Let it go out, then. He appeared here and asked to make this statement. The whole testimony was volunteered by him.

TESTIMONY OF WILLIAM H. WEBSTER.

WILLIAM H. WEBSTER, sworn and examined:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. William H. Webster, Washington, D. C., chief examiner of the Civil Service Commission.

Q. During the time the Civil Service Commission was investigating the charges against Green B. Raum, jr., was your attention called to the fact, or did you have any knowledge of such a fact, that the employés of the Pension Office or some one acting for them was watching the Civil Service Commission, or were about the building there during that time?—A. Statements were made to me or came to me to that effect.

Q. Did they mention the parties who were about the building?—A. No, sir; I don't remember who made the statements to me.

Q. Any statements made as to what the parties saw?—A. It was suggested by these parties for the purpose of ascertaining who furnished the information in regard to the case of impersonation.

Q. Were the Pension Office employés or any of them at that time required to come to the office of the Civil Service Commission, or were you getting any information from the Pension Office in regard to the matter?—A. No, sir; there was nothing that would naturally bring them there. No connection with our business in the Pension Office. Nothing between the two offices that would naturally bring them there.

Q. The Civil Service Commission was then seeking to get information in regard to the case of false impersonation and the appointment of this man Smith, at the time that investigation was being had?—A. Yes, sir; the information came to us without solicitation. We discovered it accidentally, as it were. We were seeking information from persons in that office after we made that discovery.

Judge PAYSON. Seeking what information?

A. In regard to that case of false impersonation.

By Mr. ENLOE:

Q. They did not name the persons said to be about there?—A. No, sir; it was made in a general way, very likely by some of my friends in the office, some of my old acquaintances. I was in that office for seventeen years, connected with the Pension Office, and it doubtless came out in that way, and I did not think to ask any questions.

Q. Did you afterwards caution any persons who had been talking to you about this matter to be careful about coming around the building of the Civil Service Commission?—A. I may in a humorous way have spoken to one of my friends who is in the habit of calling upon me frequently that I had heard that there were rumors that the Civil Service Commission was being watched and he had better be careful or he might get into trouble.

Q. Did any man who was asking for an appointment in the Pension Office and had been certified by the Civil Sevice Commission either see you or write you a letter from Texas in regard to some one wanting pay for securing him an appointment there?—A. Yes, sir.

Judge PAYSON. Have you the letter?

A. I have not. The man called on me personally. His name was Race, I think; either Race or Rice. It is sometime ago, and I don't

remember particularly about it. I think I made a note of it and took his name in case any further information should be necessary.

By Mr. ENLOE:

Q. Can you furnish his name?—A. I think I can; I think I have it in my desk.

Q. Will you look up his name and give it to us?—A. I will, sir.

Q. Do you know whether or not he was appointed to a position after that in the Pension Office?—A. He was, or he so stated to me that he was. I don't know, I am not sure whether I looked up his case on our records or not; but I think he was appointed.

Q. What was his statement to you in regard to the interview he had with somebody else?

Mr. BROSIUS. Mr. Chairman, he proposes to ask this witness what Race said to him?

Mr. ENLOE. Yes, sir.

Mr. BROSIUS. Upon what principle would you ask a question of that kind?

The CHAIRMAN. Mr. Palmer, will you please read the question?

(Question read by reporter.)

Mr. ENLOE (adding to the question). With a person who was wanting pay for the appointment.

By the CHAIRMAN:

Q. Do you remember the name of the person who was to pay for the appointment?—A. Race was the man himself who was to have paid. I don't know who it was he was to pay it to.

Q. Do you remember to whom he was to pay it?—A. No, sir; I do not, and I am not sure whether he stated the name to me, but I think he did. I think he could state the facts better than I can.

By Mr. ENLOE:

Q. Where is he?—A. I suppose he is still in the Pension Office.

Q. Is he in the Pension Office, Mr. Bailey?

Mr. BAILEY. I never heard of the man before, Mr. Webster. I made a note of the fact, thinking that it could be looked into afterwards, if there was any necessity for it, and I did not charge my memory with it at all. He said certain things to me, but I did not make any particular note of it or keep any recollection of it in my mind in any definite, positive way. I have not seen him or heard of him since, but I suppose he is still that office.

The CHAIRMAN. Will you produce his name?

A. Yes, sir. Will it answer if I send up his name by telephone in case I find it?

The CHAIRMAN. Yes, sir.

Q. Has any other person connected with the Pension Office come to you or talked to you about being approached or asked for a gift or loan of money as a consideration for appointment or promotion?—A. I don't remember of any now.

Mr. BROSIUS. I understood that the information to which you have alluded about the people being on the lookout around your office came to you as a rumor?

A. As a rumor only. There were no names mentioned at all.

Q. You have no personal knowledge of anything of that sort?—A. No, sir.

Judge PAYSON. No names were given in that connection so far as you know?

A. No, sir; none were mentioned.

TESTIMONY OF F. H. ALLEN.

F. H. ALLEN sworn and examined.

By Mr. ENLOE:

Q. What position do you occupy in the Pension Office?—A. Chief of the southern division.

Q. How long have you been occupying that position?—A. Since the 16th of June, 1889.

Q. Do you know anything of a man by the name of Smith who was appointed in that division from the district of Mr. Houk or Mr. Taylor?—A. Well, I have got two Smiths in the division and I don't know which one you refer to or where either of them were appointed from; at least I don't remember about that. Do you remember what his first name is?

Q. I don't know his first name, but I will ask you if you have known anything about a man by the name of Smith having charge to a great extent of the business of Mr. Houk and Mr. Taylor along about 1889 or 1890?—A. There is a Wendell A. Smith whom I think used to write Congressional slips for them a great deal, I think. He told me he did.

Q. Do you know where he is from?—A. I think he told me he was originally from New York. Where his legal residence is I don't know.

Q. Do you know anything about his being detailed to go into the field just before the investigation of 1890?—A. I remember he was detailed to go on special services, but whether in 1890 or 1891 I could not say. He was away five or six months, I should say. I can tell from my records.

Q. Do you know where he was sent to at that time?—A. To Tennessee; I know that.

Q. Do you know what part of Tennessee?—A. I got letters from him, I know, at Knoxville while he was there.

Q. Did he write you a letter while down there saying he wanted to be promoted when he returned, asking for promotion?—A. Not that I remember of. I don't think he did.

Q. You don't recollect of his writing any letter asking for promotion?—A. The only letter I recollect of was, when he went away he borrowed some money and I became his security, and he remitted a draft when it became due.

Q. Then there are some men in there who pay their debts?—A. Yes, sir; about 99 per cent of them.

Q. Do you remember his saying in a letter to you, "he had not done much work, it is true, in the office, but he had done a hell-of-a-sight of it for Alf"?—A. If he said that, he said what is not true, because he was a hard worker.

Q. Do you know anything about Mr. Houk or Mr. Taylor going to see the Commissioner to ask about this man being detailed to go down there?—A. I do not.

Q. You don't know anything about that?—A. No, sir.

Q. Do you know whether any one else there in the office received any such letter of that character from Smith?—A. No, sir; I don't. I never heard of any.

Q. Have you not had your attention called to any letters that he wrote at that time except the letter he wrote to you?—A. No, sir.

Q. I will ask you in regard to the promotions there. Have the promotions been made on your recommendation or independently of it?—

A. Generally on my recommendation. There were three or four made without my recommendation; one was wrong, and I went and talked to the Commissioner and had the man reduced; the others were all right.

Q. As a general rule, your recommendations in regard to promotions have been respected by the Commissioner?—A. Yes, sir.

Q. Were you on duty at the time the completed-files order was issued?—A. Yes, sir.

Q. Do you know anything about the number of cases that were taken up between the issuance of Order No. 149 and issuance of Order 151—taken up and placed on the completed files?—A. I could not tell. I have a record of nearly everything.

Did you keep a record of those cases?—A. I took a record between order 149, and that was what ordered the investigation of the cases, was it not?

Q. Yes, sir.—A. My first weekly report would show the number we placed on the completed files at that time.

Q. Would it show what cases they were?—A. It would show whether they were old law or new law cases. I think we had the new law then. What is the date of it?

Q. It is December 23, 1889.—A. That was before we had any new law. It would show the number of cases, but it would not show the classes.

The CHAIRMAN. It would not show the number of the case?

A. No, sir.

Judge PAYSON. Would it show the identity of each case?

A. No, sir.

By Mr. ENLOE:

Q. You had no means of knowing then whose cases were embraced in that number of cases you took up at that time and prepared for the completed files?—A. No, sir; we simply took them up in their order in the completed files and on the completed-files slips, and we did not pay any attention to whose cases they were. We had very few of them in my division, as I recollect it.

Q. Do you know anything about the percentage of cases found to be complete when they were put on the completed files; have you any knowledge of that?—A. I should say about 50 per cent. Some weeks it would vary. In the last year——

The CHAIRMAN. He means just after the order, just between the date of order 149 and 151; I think it was something like fourteen days.

A. I could not tell anything about that.

By Mr. ENLOE:

Q. Do you know anything about the percentages of cases found to be complete when placed on the completed files on the application of attorneys?—A. I am keeping a record of that now. I have been keeping a record for about ten days. About ten days ago I told my chief file clerk to keep that, and it would show this afternoon when I made my report.

Q. How long have you been keeping that record?—A. Never separate until eight or ten days; I can't tell exactly how long.

Q. Did you have an order to keep them separate?—A. No, sir; we placed a good many on the completed files. I think it was a week ago to-day I told my chief of the files——

The CHAIRMAN. You mean the office, of its own motion, has placed them on the completed files?—A. Yes, sir; more than attorneys.

By Judge PAYSON:

Q. You keep your men busy at that?—A. Yes, sir.

Q. The file clerk does that work?—A. Yes, sir.

Q. There is no order emanating from the Commissioner as to each particular case?—A. No, sir.

Q. When the evidence is received and applied to each particular case by the file clerk, if that apparently makes the case complete he puts it on the completed files?—A. Yes, sir.

By Mr. ENLOE:

Q. How long do you think a case would remain on the completed files without action?—A. In my division now, it would remain probably about seven weeks. There has been a time when it would remain three or four months. That was the time when there were 4,000 a week and we could not dispose of them fast enough to keep up.

Q. If a case were kept on the completed files there for a year or two without being acted upon, how would you account for that?—A. I should not try to account for it. I don't think it could occur.

Judge PAYSON. It would be pretty hard to have that occur, because the order has only been in operation for two years.

Mr. ENLOE. It has been in operation since January 6, 1890.

Q. I want to ask you if you have had any orders in regard to the cases there which would indicate that it was the purpose of the Bureau to have the claims filed under the act of June 27, 1890, adjudicated to the exclusion of increased cases.—A. No, sir.

Q. You have had no order to that effect?—A. No, sir.

Q. Has your force been at work mostly on cases under the old law or under the act of June 27, 1890, for the last year or eighteen months?—A. They have been working right ahead. Most of the old-law claims have a new-law claim filed with them. They go through the cases, and if the old-law case is ready for adjudication it is adjudicated and it goes to the completed files, and if the new-law case is ready for adjudication and the old one is not the new-law case is adjudicated.

Then the cases that were in the hands of the examiners in the field at the time the act of June 27, do you know whether they were generally called in and returned to the files?—A. If a new-law claim was filed we would look it over and then send it to the S. E. Division, stating that it was a new-law claim that had been filed and it would have to be investigated under the new law as to the origin of disability or something of that kind. If a case came in under the new law and the evidence had been filed under the old law in the old-law claim, the new-law claim could be adjudicated and the old-law case returned to the files after the adjudication.

Q. The result is that the new-law claim would be adjudicated without waiting to hunt up the evidence as to the origin of the disability?—A. Yes, sir.

Q. Then when it was returned to the field, to the hands of the examiner in the field, he would take it up and then look up the question as to the origin and see whether or not, and see what would become of the claim under the general law?—A. He would comply with the slip there, whatever purpose it was sent for, and he would conduct his investigation accordingly.

Q. Have you been sending many of those cases to the field?—A. I think the chief of the special examination division has kept a record of those, but I don't know for sure; that is only an impression I have.

Q. How many clerks have you got employed in your division, or did

have before the late order of the Secretary, answering Congressional call slips?—A. Each examiner answers the Congressional call slips which were assigned to him.

Q. What proportion of the time of the examiners was taken up in answering those calls?—A. At one time we attempted to answer all of them, and we took nearly all the time. We had to brief some of the cases at the time, because that was the easiest way to answer, but if we had written letters to all of those cases it would have taken all of the time.

Judge PAYSON. Of your entire force?

A. Yes, sir.

Mr. BROSIUS. On Congressional slips?

A. Yes, sir.

The CHAIRMAN. You mean that would be true during the past winter?

A. Yes, sir.

Mr. ENLOE. How much time will be saved in your division if the call slips are answered by the office to the claimant instead of to the member of Congress? Will that be any saving of work in your Bureau?

A. The only difference would be we usually addressed an envelope to the claimant or correspondents and put it inside of the other and we also filled out what we called there in the office "the tombstone." That goes back to the Middle Division; and of course this saves the time of addressing that envelope and making out the tombstone, but we practically save very little work.

Mr. BROSIUS. You save the time of addressing one envelope?—A. Yes, sir; and fixing up the tombstone.

By Mr. ENLOE:

Q. That is a very small part of the work in responding to Congressional calls, isn't it?—A. Yes, sir; a very small part of it.

Q. Don't you think it would be a good measure for Congress to stop the business of answering Congressional calls absolutely?—A. If I were a member of Congress I should insist upon the answer, but if I were the Commissioner of Pensions I should say it would be better not to do it for the general good.

By Mr. LITTLE:

Q. Is it the practice of the Pension Office at the present time to answer Congressional calls?—A. We received an order Saturday morning.

Q. I mean previous to that time?—A. Yes, sir; most of them.

Q. Where do you draw the line?—A. In my division if I find a man is getting a large pension I read the call slip over and if it appears to be an urgent case I put my stamp upon it and that means to answer it. If it is not an urgent case I don't do that and let it wait until it comes in its regular order. I use my own discretion.

Q. The Congressman does not get any information and he does not know whether that case has been examined or not?—A. No, sir.

Q. What proportion of cases are answered and what proportion are not answered?

Mr. BROSIUS. He can only answer as to his division.

A. Sometimes we would get orders to answer all for a month, a week, or two weeks; at other times we answer those that come down with a deputy stamp upon them and other times we sort out those which appear to be urgent cases.

Q. What proportion of Congressional calls are answered?—A. It would be hard for me to tell.

By the CHAIRMAN:

Q. I suppose what you have just related was an order not to interfere with the business of the office?—A. Yes, sir; you mean looking after the urgent cases?

Q. Yes, sir.—A. Yes, sir; that is true.

By Mr. LITTLE:

Q. Is the time wasted in making the answer or examining the case?—A. Both.

Q. Which is the most?—A. It takes the most time to examine the case.

Q. You can not tell whether it is an important case or not until you examine it and then use your discretion?—A. Yes, that is true to some extent; yet we can judge to a certain amount from the letter written. If you should write a letter and say "This is a poor man with no money and no friends," or if one of his neighbors would write a letter and state that, we would give the same attention to a neighbor's letter.

Q. It depends upon the letter you get, and not upon the case itself?—A. Yes, sir; we examine the communication and can tell pretty well from that.

Q. I understood you to say you looked at the case, and if you found the man was getting a large pension you let that go?—A. They frequently state in the letter, sometimes the Congressman does on his slip, in regard to the case being an urgent one, and we get pretty good information from that. Sometimes of course we are mistaken.

Q. If a Congressman sends an inquiry to the office there is no surety he will get a reply whatever?—A. No, sir; not any now.

Q. Previous to this time, I mean?—A. No, sir.

Q. There is no rule by which that was regulated, but it was left to the discretion of the subordinates?—A. Yes, sir; we have had various rules at different times, sometimes two in one month. One month we get an order to answer all the calls. We got such an order about the 1st of December, I should say, and as a result of that my division got out just half as many certificates in December as November last.

Q. Do you know the object of the issuance of that order in November?—A. No, sir; I don't know what the object was.

Q. You only know the order was issued?—A. Yes, sir.

Q. And that lasted only for the month of December?—A. Yes, sir.

Q. What change took place then?—A. After that we had not any particular order at all. I suppose the members of Congress went to the deputies and got their stamps, and I continued sorting the same as before we received that order; the order was never revoked or suspended in any way, but we simply went back to the old way of sorting the cases.

Q. That order was never suspended?—A. Yes, sir.

The CHAIRMAN. Was that a verbal order?—A. Yes, sir.

By Mr. LITTLE:

Q. It was suspended?—A. It was, in this way, we got no other order, and we did not answer all of them, but we sorted them and exercised our own discretion in answering them.

Q. Simply discretionary as to the parties doing the work?—A. Yes, sir; and that order has been prevailing ever since I came into the office in 1889.

Q. That being a matter of discretion on the part of the employés, it was easy to leave out inquiries of any particular Congressman, wasn't it?—A. Yes, sir; that could be done.

Q. It could be done, you say?—A. Yes, sir; but it would be an awful mean man that would do that.

Q. On the other hand, you could give a particular Congressman a preference?—A. Yes, sir; it could be done.

Q. There being no order making it compulsory, and it being discretionary?—A. Yes, sir.

By Mr. ENLOE:

Q. I would like to ask you if you had charge of the cases that came from Tennessee?—A. Yes, sir.

Q. I will ask you if you have received any orders to discriminate in answering those calls?—A. No, sir.

Q. Then, if a member of Congress sends in call slips and does not get any answers to them, it is not a matter of design?—A. No, sir; I think Mr. Caruth, of Kentucky, and Mr. Taylor and Mr. Houk, I think, send in more than anybody else from that section of the South. No, sir; we have had no orders to discriminate against anyone.

By Mr. BROSIUS:

Q. I would like to ask you whether you can give me the information here, whether the recent order in any way interfered with the practice that has been in effect sometime past of Congressmen going to the office and calling up cases and having them looked at and getting the status in that way?—A. I don't think it does; the order came to me Saturday by telephone; I was very busy and I sent my letter reviewer upstairs to get it in writing and I promulgated it by order of the Commissioner.

Q. There was nothing in the terms, then?—A. No, sir; not that I can see.

The CHAIRMAN. Would there be any information apt to be in the files that ought not to be known outside, that could be had by sending down a deputy or clerk.

A. If all men were honest there is nothing there that ought not to be public. I think Congressmen or the clerks that come as a rule it would be safe for them to examine the papers. I have always fought the idea of having the papers taken to the deputy's room and examined by attorneys. Now and then there is a man not wholly truthful.

TESTIMONY OF CHARLES A. HAMILTON.

CHARLES A. HAMILTON, sworn and examined.

By Mr. COOPER:

Q. Where do you live?—A. In New York State.

Q. Are you employed in the city of Washington?—A. Yes, sir.

Q. What is your business?—A. Newspaper correspondent.

Q. What papers do you represent?—A. The Brooklyn Times, Hartford Times, Sioux City Journal, and several other small papers.

Q. How long have you been stationed here in the city?—A. Ten years.

Q. I will ask you if you ever had any conversation with Gen. Raum, the Commissioner of Pensions, upon the subject of giving the addresses of pensioners when the publication is made of the allowance of claims?—A. Yes, sir.

Q. Just tell the committee what conversation you had with him upon

that subject.—A. Until within the last year or so it has been the custom of the Pension Office to furnish newspaper correspondents a list of the pensions granted each day, together with the post-office addresses of the pensioners. Some months ago this custom was amended by leaving out the post-office addresses. I was in the habit then of sending out every night by telegraph to a number of papers a list of pensions in each State, as those papers might be interesting. When the change occurred the papers wrote they wanted the post-office addresses and that unless the post-office addresses accompanied the names they were of no use. I therefore started out one day to see Gen. Raum and I met him on the cars. I happened to meet him on the street cars and I talked with him on the subject. And the general said that the reason—I am giving this conversation to the best of my recollection. I can't give the whole of it or the exact words used——

Judge PAYSON. Please be as exact as possible.

A. Yes, sir. The reason he did not furnish the post-office addresses any more was that it brought about an immense amount of work upon the office; that as soon as it was announced that a pensioner had been granted a pension, for instance, to Smith or Jones or anybody, and give the post-office address, an attorney would write to him and suggest that he might get an increase, and this simply flooded the office with an extra number of applications for increase without any good reason for it. That was about the substance of General Raum's reply to my suggestion.

TESTIMONY OF A. B. HAYWARD.

A. B. HAYWARD, sworn and examined.

By ENLOE:

Q. Please state your name, age, residence and occupation.—A. A. B. Hayward; age, 53 years; I reside in the city here; I am a clerk in the Pension Bureau.

Q. What State are you from?—A. I was appointed from New Hampshire.

Q. Were you removed from the classified service in the Pension Bureau?—A. Yes, sir.

Q. After your first appointment?—A. Yes, sir.

Q. What time?—A. October 20, 1890.

Q. What was the ground of your removal?—A. As far as I know, I was removed because I would not give a list of my indebtedness to young Mr. Raum, Green B. Raum, jr., who was then the appointment clerk or assistant appointment clerk in the department.

Q. What was the reason of his demanding a list of your creditors?—A. It was because there had been a complaint made, I think, by my creditors about my indebtedness. That is the only reason I know why it was done.

Q. Did Mr. Raum call you before him and tell you that?—A. Green B. Raum, jr.; yes, sir; he wrote me a communication.

Judge PAYSON. Have you that?

A. Yes, sir; somewhere here, I think.

Judge PAYSON. Have you furnished it to the committee?

A. Yes, sir; I think Mr. Enloe has it.

Judge PAYSON. Mr. Enloe, will you produce that?

By Mr. ENLOE:

A. I think he is mistaken about that; I don't find it among his papers.

Q. I will ask you if he didn't first write you a letter stating you must furnish a list of your creditors, and if you were not subsequently discharged from the office when you refused to do it?—A. He did not.

Q. What did you do with the letter you received from Green B. Raum, jr., on that subject?—A. He sent me a communication requesting me, stating that complaint had been made, and requesting me to attend to them and to arrange for the payment of them at once. I indorsed upon that communication my reply, and subsequently he called me into his presence.

Q. Did you send that letter with your indorsement on it to him?—A. Yes, sir; I did. He subsequently sent for me.

By Judge PAYSON:

Q. Who?—A. Green B. Raum, jr., sent for me and stated that I must give him a list of my indebtedness, and unless I did that that they had about come to the conclusion they would dismiss me. I declined to give him a list of my indebtedness, for the reason that it was a matter that was private. It belonged to myself and it would be unjust to show the list, not only to myself, but to any individuals to whom I would be justly indebted, and, furthermore, I stated to him, however, that if it would pay a single dollar—even a single dollar—of my indebtedness I would be very glad to furnish him a list, but as it would not I declined to do it.

Q. How long after that before you were dismissed?—A. It was very soon after that; a very few days.

Q. Did you have any talk with the Commissioner about it before you were dismissed?—A. I did not, sir; I did not see him.

Q. Well, after you had been dismissed, did you then see the Commissioner or communicate with him about it?—A. Two days after I was dismissed I called to see the young man. I think the second day after my dismissal. The order for my dismissal—the communication—was dated on the 18th day of October. That was Saturday, in the year 1890. I received it on Monday, which was the day it took effect. I called to see young Raum in regard to it two days after that, and I do not recollect much in reference to that, but it occurred to me that he said to me at that time that I had better see the Secretary, and I told him I should do so. Very little passed between us at that time. I explained to him that I thought it was a very unjust thing for him to do what he had done.

Q. Did you go to his office to see him about it?—A. Yes, sir; I went to young Raum to see him at his office.

Q. Did this conversation occur in his office?—A. Yes, sir; in the office; subsequent to that. I waited until about the 1st of January. I felt just as though I would give them ample time to see whether they did right or wrong in dismissing me, and the 1st of January I made up my mind that I would undertake to get restored. I got letters from the chiefs of the divisions, and I also got a letter of recommendation from a delegation in Congress.

Q. To whom did you present those papers?—A. I presented them to young Raum.

Q. Is that the notice you received at the time of your removal [handing paper to witness]?—A. Yes, sir; that is the notice I received on the 20th of October.

By the CHAIRMAN:

Q. You said you presented your papers to young Raum. Go ahead from that.—A. I presented my papers to young Raum and I think they remained there nearly two weeks. Probably they remained there more

than two weeks, and I think they did. I think it was subsequent and prior—subsequent to my presentation of the papers I went to see him at the office and he was absent; I didn't find him, and I had learned that he was in the habit of attending the pool rooms, the races or pool rooms out at Seventh street, and as I called three times to see him and did not find him in I went out there and did see him there.

Q. Do you mean on Seventh street or in the pool rooms?—A. In the pool room at Seventh street; Seventh street and Boundary. I didn't speak to him. I was there two or three times—I think five times; I think I was five times at the pool rooms; I spoke to him only once, just recognized him.

Q. Did you meet him there at each time?—A. Met him there each time I was there.

Q. Five different times?—A. Three days in succession.

Q. And twice upon another day?—A. Yes, sir.

Mr. ENLOE. Was that in office hours?

A. Yes, sir; that was between the hours of 2 and 4.

By the CHAIRMAN:

Q. In the afternoon, I suppose?—A. Yes, sir.

Q. Did you finally see young Raum in his office about these papers?—A. I went there to see him in his office and he was absent, it was about two weeks, I suppose, after I filed my papers.

Q. Was that after you had been to the pool rooms?—A. I had been there five times before and I went to see him again and he was not there and I stepped in to see the Commissioner, and asked him about my recommendation, about my reinstatement, and he told me to see the appointment clerk, that is, his son, and I went back in the room to see his son, but he was not there and then I went up to the pool room. This was about 2 o'clock. I went up to the pool room and I saw him there, but I did not speak with him.

By Mr. ENLOE:

Q. When did you finally get a hearing about the matter, or did you get any hearing from him?—A. I did not get any hearing from him, satisfactorily. I saw him once; I met him on the stairs going up and I waited a little while, some little time after that, and I did not get any hearing from him and I went to the Secretary of the Interior.

By the CHAIRMAN:

Q. Secretary Noble?—A. Yes, sir. I filed a copy of my papers with Gen. Noble. I was eight days in getting to see the Secretary of the Interior. I finally went up to the Treasury Department and saw Gen. Patterson, who was formerly colonel of the regiment in which I served, and I told him the situation of affairs and asked him if he would not go down with me, and he went down with me and walked in and saw the Secretary. I was not there more than five or ten minutes; just spoke to the Secretary and Gen. Patterson made the indorsement on the papers and handed them to the Secretary and spoke with him a moment and then we withdrew. Subsequent to that I was reappointed.

Q. How long?—A. Probably two or three weeks after that, perhaps more than that.

Q. You are still there?—A. Yes, sir.

Q. At any of the times you were at the pool room that you spoke about and you saw Raum, jr., there, did you see any Pension Office employés in his company?—A. Yes, sir.

Q. Who were they?—A. Once or twice I saw Mr. Greenawalt and

another man whom I didn't know. In fact, I didn't know the name of that man.

Q. What did you see Greenawalt doing, playing pool?—A. They were standing in a big crowd.

Q. What do you mean by pool room?—A. I am not familiar with the pool rooms.

Q. Neither am I, and I would like to get some information in regard to it.—A. The rooms are where they bet on races. They take them from the wires from where the races are being conducted at other places.

Q. Who else was there besides Greenawalt?—A. I saw one man whom I subsequently learned was Mr. Shannon, and I also saw Mr. Ketchum.

Q. Morris Ketchum?—A. Yes, sir; and I saw Theodore Smith there. He seemed to be the one that was with young Mr. Raum. I desire to say this, that while I was there, I suppose it was the third time I was there, the day was a little stormy and I went into the pool room. There were several other men there and I went into the different rooms but did not see the man I was looking for. But I stepped out to the outside, and while I was standing out there Theodore Smith came out and spoke with me, and asked me—said he was not feeling very well—and asked me if I would not go and take a drink, and he asked me if I would not smoke; and I said I did not use tobacco, and he said he guessed he would, so he went two or three doors beyond that and went into the room and very soon I turned around and went back to the same building where he came out, and I found him standing at the other end with young Raum and talking with him. The movement appeared to have been so sudden, so quick, the time so short there, that I noticed him particularly. He went through the back way and came out at the other end.

Q. Was this Theodore Smith then employed in the office?—A. No, sir.

Q. Was Mr. Ketchum?—A. Yes, sir.

Q. And was that during the time young Raum was the appointment clerk?—A. Yes, sir.

Q. Do you remember of any other Pension Office employés being there?—A. No, sir.

Q. Do you know whether or not any of them were engaged in betting on the races?—A. I could not tell you that; I suppose that they were.

Judge PAYSON. It is not a question for the witness to suppose.

By the CHAIRMAN:

Q. What did you see them engaged in doing there?—A. I saw them step up to the wire, or office, or whatever it is; I saw them step up there and exchange tickets and money, something of that kind.

Q. Who were they?—A. Mr. Ketchum, Theodore Smith, and, I think, Mr. Greenawalt.

Q. Young Raum, too?—A. I don't know that I saw him do that, but he was there with them.

Q. This was during office hours?—A. Yes, sir.

By Mr. COOPER:

Q. Did I understand you to say Mr. Lineaweaver was there?—A. No, sir; Mr. Greenawalt.

By Mr. BROSIUS:

Q. Did I understand you to say you saw Greenawalt there more than once?—A. I think I saw him there only once, possibly twice. I would not be certain about that.

Q. You didn't know on what errand he was there for, did you?—A. At one time I saw him, he was betting on the races as I saw him.

Q. Greenawalt was?—A. Yes, sir.

The CHAIRMAN. Did you see him use money or tickets?—A. I saw him step up to the ticket office—I don't know what they call it—I saw him step up and exchange tickets for money, something of that character; apparently betting.

By Mr. LITTLE:

Q. You spoke of being there five times?—A. I think the other days were odd days.

Q. I think I understood you to say you were there five times?—A. Yes, sir.

Q. For what purpose did you go there?—A. I went out there to see young Raum. I did not find him in the office.

Q. You said you saw him there every time?—A. Yes, sir.

Q. And you went to see him there?—A. Yes, sir.

Q. And yet you say you did not speak to him while there. Will you explain why you did not?—A. I spoke to him just once, just nodded to him.

Q. You did not speak to him about the subject-matter about which you were in search, did you?—A. No, sir; I did not speak to him for the reason that I did not care to talk any Pension Office business at that time, but I wanted to know why my affairs had not been attended to. He had been instructed to reappoint me in the office.

Q. That explains it all right.—A. You must remember that I had been struck down there unjustly, and when my business was not attended to there, I felt that I ought to do all I could to get restored.

Q. (By Judge PAYSON.) Why did you not talk to him the second time?—A. I did not want to.

Q. It was your business in going out there, was it not, to speak to him?—A. I wanted to see what he was doing when he was not attending to his business.

Q. It was rather a tour of inspection to see if he was there instead of at the office transacting your business?—A. I did not go there to transact business.

Q. Your object was in going to find out if he was there?—A. Yes, sir.

Q. Don't you know there was a great deal of complaint in the office about your being indebted to a great many people and the office was considerably bothered with requests to look after the payment of some of your debts? Don't you know there was a great deal of complaint?—A. Yes, sir; I know that.

Q. How many people did you owe?—A. I don't know.

Q. About how many?—A. The ones who did the most complaining I owed the least.

Q. About how many did you owe?—A. I can not tell you.

Q. Give the names of them.—A. The ones that I——

Q. Whom did you owe at that time?—A. That is my private business, and I am not going to tell that.

Q. Were some of them Pension Office employees?—A. Yes, sir; one of them was.

Q. Any of them your superiors?—A. No, sir.

Q. Any of them your subordinates?—A. No, sir.

Q. All in the same class you were yourself?—A. No, sir.

The CHAIRMAN. In the same division?

A. No, sir.

By Mr. ENLOE:

Q. Was it on the complaint of any Pension Office employé that you were discharged?—A. It was on the complaint of a Pension Office employé who is a partner of John W. Latourette.

Q. Who was he, what is his name?—A. His name is Robert A. Reagan.

By Judge PAYSON:

Q. How much did you owe him?—A. I owed him about $90.

Q. Who was your indorser on that paper?—A. He was, sir.

Q. Who?—A. Robert A. Reagan was the indorser.

Q. Did he pay Latourette the debt?—A. I don't know; I know I paid $50 and he undertook to collect it again.

Q. Had your indorser, Reagan, paid any of this money you owed?—A. I don't know, sir.

Q. Then, for anything you know, you owed Latourette?—A. No, sir.

Q. Whom did you owe if Reagan hadn't paid it?—A. The money was——

Q. As a matter of law his liability was only contingent, wasn't it?—A. The money was furnished by Robert Reagan to John W. Latourette, and John W. Latourette had him indorse the note. I want to say that that was a part of John W. Latourette's and Reagan's business as partners.

Q. Please make it a little more specific.—A. I have, sir.

Q. What interest did Latourette have in it if Reagan furnished the money?—A. He had this interest in it, that he got a big interest on it, that that interest would go to Reagan and they divided that interest between them.

Q. How do you know that?—A. I know from the fact that John W. Latourette told me that.

Q. That he and Reagan were partners?—A. He did not say they were partners, but he said that Mr. Reagan had placed between $400 and $500 in his hands to be loaned out and that he was authorized to loan this money.

Q. By Reagan?—A. Yes, sir; if I would give him a note in Latourette's name and get Reagan to indorse it.

The CHAIRMAN. Was that a plan so the Pension Office would not know that Reagan was in the same business?

A. I don't know whether it was or not, but it occurred to me subsequently that that was the idea; that in case they did not get all they might demand they could use the office for the purpose of making collections.

By Judge PAYSON:

Q. That is your inference. You did not get that from any authority in the office?—A. That is the fact.

Q. Listen to me, Mr. Hayward; the record shows your age, does it not?—A. Yes, sir.

Q. Then you are old enough and you understand my question, don't you?—A. Yes, sir.

Q. Now, I am asking you what you know and then whom you know it from. Do you know that this arrangement was known to Gen. Raum or either of his deputies? Do you know that?—A. No; I can not say I do.

Q. What information about the way this money was loaned you got, you got from Latourette?—A. Yes, sir.

Q. Latourette told you that he and Reagan divided the interest that was received on these amounts?—A. Yes, sir.

Q. Did you ever talk with Reagan about it?—A. Yes, sir.

Q. Did he say so?—A. He said I should have to make all my arrangements with——

Q. Did he say anything about this arrangement?—A. I never talked to him about that—about this——

Q. Just answer my question.—A. Each one of them told me different, but it did not make any difference to me; I paid this money.

Q. And that justified you in believing that Reagan was interested in it?—A. Yes, sir; and I had already paid $50.

Q. Who else do you recollect there that would have been in the list, if you had made one to Mr. Raum?—A. In the office?

Q. Pension-Office employés; that is all I am asking you about. I don't care who you owed outside the Pension Office. What other Pension Office employés did you owe?—A. I owed Mr. Moore.

Q. Who was your indorser on his paper?—A. No one.

Q. How much did you owe him?—A. There was an indorser on the original paper; J. R. Hurtford was an indorser.

Q. How much did you owe at that time to Moore?—A. About $900.

Q. How long had that been running?—A. Since 1886. I had paid a large interest and had paid on the amount; it was about $1,000 to start.

Q. At one time or at different times?—A. Different times. One note of $600. I want to say here that this money was borrowed at a time I was conducting a business up at Mount Pleasant.

The CHAIRMAN. Before you went in the Pension Office?

A. No, sir; after. The name is J. R. Hurtford. Why I happened to be involved——

Mr. ENLOE. I will ask it Mr. Moore was making any complaint?

A. No, sir.

The CHAIRMAN. This borrowing of that money grew out of the business you had at Mount Pleasant?

A. Yes, sir; out of the business I had there. I was in company with Mr. J. R. Hurtford and he got me behind everything, and I laid myself open, and in consequence I had to carry the whole burden.

By Judge PAYSON:

Q. What kind of a business was it?—A. It was a park, Airy-Castle Park. I got involved at that time and got into a lawsuit, and to-day, although I have a judgment against a man, I have not been able to recover it and I have had to carry all that and interest, and one of the men who complained here, Edward Vellum, who complained at the office, was one of the men who imposed on me.

Q. How?—A. I employed him to look after my property there. I got $100 from him, but I had employed him to look after my property and my business there; my business was the ice-cream business.

By the CHAIRMAN:

Q. We are not interested in those matters at all. Please confine yourself to the points of interest.—A. I got into that business transaction and it showed this, that while this man demanded of me to pay this $100 that I got from him, he had conducted the business for me, and had conducted it in such a way that it damaged me more than three times the amount I had borrowed from him. He ruined my business entirely.

Q. He is one of the men who complained?—A. Yes, sir; in the communication.

Judge PAYSON. What communication?

A. I think I have it in my pocket.

(Witness produces paper.)

By the CHAIRMAN:

Q. You mean to young Raum?—A. Yes, sir.

Q. While he was in the Pension Office?—A. Yes, sir.

The WITNESS (handing paper to Judge Payson). There is one of the communications.

Judge PAYSON. If you have any other literature bearing on this question just get it out now and let us see what you have got. This is from the office to you?

A. Yes, sir; and there is a communication there.

Mr. ENLOE. I want those two letters in evidence and this letter here to the Commissioner of Pensions from Mr. Hayward and these indorsements here. Indorsed by Mr. Chamberlain, Mr. Moore, and also by Senator Blair.

Judge PAYSON. And you offer these in evidence?

A. Yes, sir.

The WITNESS. That indorsement on that letter is scratched off. I sent another communication instead of that.

By Mr. ENLOE:

Q. I will ask you if you wrote that letter to the Secretary? It is not signed, I see. [Handing letter to witness.]

A. I did, sir.

Q. You had better put your signature to the bottom of it.—A. Yes, sir; I will.

(Witness signs letter.)

Judge PAYSON. Of course, the indorsement on this letter is not a part of it?

A. No, sir; you will see that I struck that out with a pencil.

The following letters were here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., August 20, 1890.

Mr. A. B. HAYWARD,
Medical Division:

SIR: I have your reply to my letter of the 4th instant, and consider it unsatisfactory.

During your absence without leave I have received a communication from Mr. E. S. Vellam, of this city, transmitted through the Hon. Assistant Secretary of the Interior, to whom, it is stated, you are indebted, and that you have not carried out your promises in the matter, and instead of so doing, insult him. I also have received a communication from Mr. R. A. Reagan, of this office, in which it is stated that you are justly indebted to him and have made no pretense towards satisfying him.

I now respectfully request that you at once arrange for the payment of these claims. I desire an immediate response to this communication, looking to the settlement of these matters.

Very respectfully,

GREEN B. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington D. C., October 3, 1890.

Mr. A. B. HAYWARD,
Medical Division, Bureau of Pensions:

SIR: By direction of the Commissioner, I desire to invite your attention to an alleged obligation due Mr. E. C. Vellum, of this city, by you. This matter has been called to the attention of the Commissioner by the honorable Secretary, and you will give it your immediate consideration.

Very respectfully,

GREEN B. RAUM, Jr.
Assistant Chief Clerk.

DEPARTMENT OF THE INTERIOR,
Washington, October 18, 1890.

Mr. ALLEN B. HAYWARD, *Present:*

SIR: On the recommendation of the Commissioner your services as a clerk of Class three, in the Pension Office, are hereby dispensed with from and after October 20, 1890.

Respectfully,

GEO. CHANDLER,
Acting Secretary.

(Through the Commissioner of Pensions.)

WASHINGTON, D. C., *Jan. 23, 1891.*

Hon. COMMISSIONER OF PENSIONS:

DEAR SIR: On the 20th of last October I received an official communication notifying me that from that day my services were no longer required in your Bureau. I was a maimed soldier. I had in the defense of the nation's life on many battle fields, humbly and inconspicuously, but none the less loyally, imperiled my own. Scars and dismembered limbs testify to my services. And in the Pension Bureau repeated promotions, up to the third class clerkship, which I held on that day, would seem to prove my services there acceptable, faithful, and efficient. At any rate no charge of neglect of clerical duty, or of inefficiency of any kind or degree, has ever been brought to my notice.

What was my surprise to learn that this stroke had come upon me with your recommendation, and, so far as I have ever been informed, solely because I did not pay certain pecuniary claims asserted against me.

It is true that during the last five years, since I became involved through the unscrupulous subtle scheming of a certain speculator who made me his victim, I have been crippled and burdened with debt. I was similarly unfortunate in my efforts to establish a business enterprise on my property in Mt. Pleasant. I was unable to secure suitable and trustworthy persons to manage my business during my absence, hence I have to remark that slovenliness, heedlessness, wastefulness, and destructiveness in business and also vindictiveness are only other words for dishonesty, and when practiced it may be said they are distinguished from robbery only by the astuteness of a legal technicality. It is also true that I have paid as much of my indebtedness as my income and the circumstances would allow, and it is my purpose to resume payment of my just obligations when it is within my power so to do. But any man, no matter how honest, may become loaded with debt he can not pay, and even the most honest and honorable man may lawfully and honorably distinguish between his creditors, and prefer to pay one rather than another whose claim in his opinion, even though possibly valid in law, has no validity in the eye of heaven or of equity, but is tainted with fraud, or usury, extortion, and injustice.

I know I was misrepresented to you. "Virtue itself 'scapes not calumnious strokes." I am confident that you misunderstood my position or you would not have taken such action against me. And I appeal to you now to consider the matter. If any man brings proof that in anything I have failed to do my duty to the Government, I but ask to bring my proof to the contrary. If any man dares offer proof of any trait in me making me unworthy to still serve my Government, I will meet that also, not with assertion, but with proof. But I submit no man should be disgraced by inquisitorial star-chamber scrutiny of his private affairs. No servant of the Republic should ever be in some chamber apart laid on the rack of threatened dismissal and plied with questions by some superior fellow-servant touching his finances, or his reasons for preferring to pay one creditor rather than another, and then to sub-

ordinate his convictions of duty to the dictates of another not his legally appointed judge.

Against this only have I protested.

In conclusion, permit me to invite your attention to the accompanying statements in my favor from the several honorable gentlemen who know whereof they affirm. Then, if you please, "put yourself in my place," and it must appear just that you take the whole matter into kind consideration and ask the recall of the letter of removal and my restoration to duty as of that date.

Awaiting speedy and favorable consideration of this my request, I remain,

Very respectfully,

A. B. HAYWARD.

UNITED STATES SENATE,
Washington, D. C., Jan. 27, 1891.

To the Commissioner of Pensions:

The undersigned ask careful consideration of the accompanying letter of A. B. Hayward, asking to be restored as clerk in your Dept. He was dismissed on account of some complaint that he owed debts which he did not pay. He believes the facts did not warrant his condemnation and asks a reconsideration of his case.

Mr. Hayward is a disabled soldier and has always been a faithful and capable clerk. This is disputed by no one.

Do the facts require his exclusion from the place he has filled so well? We are inclined to believe they do not; that he has been hastily misjudged, and that he is fairly entitled to the restoration which he seeks.

Trusting you will take the same view, we remain,

Very respectfully,

W. E. CHANDLER.
O. C. MOORE.

I concur.

H. W. BLAIR.

PRIVATE.] WASHINGTON, D. C., *Feb. 10, 1891.*

Hon. JOHN W. NOBLE,
Secretary of the Interior, Washington, D. C.:

SIR: Aside from the statements relating to myself furnished you this date permit me to say in this personal communication that Green B. Raum, jr., in his official capacity, endeavored to fetter me with conditions touching the payment of certain claims asserted against me, assuming that they were just when they were not. He presumed to say he thought me dishonest and the language in one of his letters implied the same. I am now told that my plain and honest response thereto is regarded as discourteous.

He also insisted that I must furnish him with a list comprising the name of each person to whom I was indebted, also the amount of indebtedness to each, and thereby discover to him my private business. I deemed this request an invasion of my rights and the rights of the certain persons truly interested in my affairs. I declined to surrender my rights, whereupon he threatened me with dismissal. I replied that if it would pay even a single dollar of my indebtedness I would comply with his request, but as it would not I ventured to maintain my rights, while he proceeded to put his threats into execution.

This action appeared to me exceedingly unjust and full of wrong. It appears to me that my faithful, efficient, and honorable service in the Pension Bureau ought to entitle me to decent and fair treatment from those whose duty it was to treat with me officially. And it would also seem proper to remember that those brave men who stood by the Govt. in the severe trials of war, and imperiled their lives in defense of the Union, have "in the sight of heaven and equity" a very good right to expect of the Govt. protection by the Govt. officials. For is it not true the courage, struggle, and persistence of those patriotic men made it possible for the Govt. officials of to-day to enjoy the great blessings that come from a Government of the Union of all the States? And may we not conceive there may be times when if this fact is ignored it will amount to almost a crime?

I am reminded of the fact that up to the time I received notice of my removal from office I was expending all my income in payment of my indebtedness, the fact that a pitiless winter was at hand, the fact that I was minus my right arm, and without funds. Does it not seem that these facts ought to have enforced from the Bureau officials sentiments of truest humanity, instead of remaining as rigid in in difference as the cold, insensible rock?

In view of all these facts and circumstances, may I not confidently expect better things in the near future than now prevail?

Very respectfully,

A. B. HAYWARD.

Judge PAYSON (to witness). State as rapidly as you can who else do you owe?

A. I think there is no one else in the Pension Office.

Q. One of these letters refers to a letter of yours on August 4?—A. Yes, sir.

Q. Have you a copy of that letter?—A. No, sir; I have not.

By Mr. ENLOE:

Q. You speak here of two or three men, and I would like to know who they are—O. C. Moore, W. E. Chandler, and Mr. Blair?—A. Chandler is Senator from New Hampshire, H. W. Blair was a Senator at that time, and O. C. Moore was a member of Congress from New Hampshire.

Q. From your district?—A. Yes, sir.

Q. I want to ask you if you were drawing a pension from the Government?—A. Yes, sir.

Q. You served in the war, did you?—A. I was in the war over three years. I was eleven days over time. My time was out when I lost my arm.

Q. What are your politics?—A. I am a Republican.

Judge PAYSON. When did you first detail to this committee or to Mr. Enloe, the prosecutor, what you have just told here?

A. I have not detailed it.

By Mr. ENLOE:

Q. I want to ask you what is your disability for which you are pensioned?—A. The loss of my right arm.

Q. How much pension are you receiving?—A. Forty-five dollars per month.

By Judge PAYSON:

Q. When did you first make a statement of this to the prosecutor in this case?—A. I have not made a statement to him. I was requested to come here.

Q. By whom?—A. By Mr. Enloe.

Q. When?—A. Some time last week, I think. I met him up in the corridor, and he asked me to come here and I did so.

Q. What time in the day?—A. I got here at 10 o'clock.

Q. How did you happen to be at the Capitol that day?—A. O, you mean the day that I met him. I saw him that day at 4 o'clock.

Q. Where did you meet him?—A. In the corridor.

Q. How did you happen to meet him?—A. It was simply accidental

Q. Did any one advise you that you would probably be called here to testify?—A. I supposed I would be.

Q. Why?—A. Because I was discharged.

Q. You are back again, aren't you?—A. Yes, sir; but not in the same grade.

Mr. ENLOE. Are you getting the same salary?

A. No, sir.

By Judge PAYSON:

Q. What made you think they would want to examine you?—A. On my own authority.

Q. Did you have any intimation from anybody that you were to be called here to tell what you knew?—A. No, sir.

Q. How did you happen to come, thinking you would be called to testify?—A. I didn't come for that purpose. I came on my own accord, without an invitation from anybody. I came here because I had a right to and outside of office hours.

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Q. How did you happen to be at the Capitol that day?—A. O, you mean the day that I met him. I saw him that day at 4 o'clock.

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A. No, sir.

By Judge PAYSON:

Q. What made you think they would want to examine you?—A. On my own authority.

Q. Did you have any intimation from anybody that you were to be called here to tell what you knew?—A. No, sir.

Q. How did you happen to come, thinking you would be called to testify?—A. I didn't come for that purpose. I came on my own accord, without an invitation from anybody. I came here because I had a right to and outside of office hours.

Q. Were you personally acquainted with Mr. Enloe?—A. No, sir.

Q. How did you happen to know him?—A. I met him one time when I was here after 4 o'clock.

Q. How did you happen to get into conversation with him about coming here to testify?—A. I saw him here one afternoon about 5 o'clock, I suppose. The committee had just adjourned——

Q. How did you happen to get into conversation with Mr. Enloe about coming here to testify?—A. I have no idea how I happened to get into conversation with him.

Q. You can not tell that?—A. No, sir; I can't.

By Mr. ENLOE:

Q. I will ask you if you didn't come up here at the instance of some of these gentlemen who have been sworn and who stated I intended to put you on the stand?—A. Yes, sir; one man told me that.

Q. Who was it?—A. Mr. Jennings.

By Judge PAYSON:

Q. After getting the information from Mr. Jennings you came up to see Mr. Enloe?—A. No, sir; I didn't come to see Mr. Enloe.

Q. How did you happen to meet him?—A. I met him in the corridor.

Committee takes recess until 2 o'clock.

AFTER RECESS.

Mr. COOPER. I have some papers here which I wish to dispose of. First, I will offer the letter from Secretary Bussey in answer to a request I made of him on the witness stand.

Letter dated April 15, 1892, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 15th, 1892.

Hon. GEORGE W. COOPER,
House of Representatives:

DEAR SIR: In response to your verbal enquiry of this morning, I have to report that a careful examination of the files and records of the miscellaneons division of this Department fails to show the receipt of any letter from the Commissioner of Pensions recommending the disbarment of John N. Maring, of Columbus, Indiana, from practice before his office.

Very truly, yours,

CYRUS BUSSEY,
Assistant Secretary.

Mr. COOPER. Here is also some testimony given by George E. Lemon in the last investigation in regard to the completed files, which I wish to have received in evidence.

The CHAIRMAN. All right, we will take that under consideration and dispose of it later and continue now with what witnesses we have on hand.

Mr. COOPER. I would like to have Mr. Bailey called.

MR. M. B. BAILEY—Recalled.

By Mr. COOPER:

Q. I want to ask you, Mr. Bailey, did young McClellan, whose first name I do not know——

The WITNESS. It is Charlie.

Q. Did he at any time consult you as the head of the law division of the Pension Office upon the subject of calling up cases and furnishing

information to attorneys living outside of the city of Washington, for pay?—A. He has come in there frequently and had conversations with me about his business; also in regard to his business connected with the office. I don't remember the exact language. Of course we had become quite well acquainted and anything that became a matter of official business he always put it in writing and left it with me.

Q. Did he talk with you upon the subject of his right to call up information and sending it to attorneys nonresident?—A. He probably has.

Q. Did he issue a circular to nonresident attorneys upon the subject of obtaining information and furnishing it?—A. Yes, sir.

Q. Did he submit it to you before he sent it out?—A. I think he told me he had not sent it out. I believe such a circular came into the office and Mr. Anthony, who has charge of that work, looked it over, and we three had a talk about it.

Q. At that time had you never seen the circular before?—A. Not unless either one of them had called my attention to it.

Q. Did you at that time notify him to suspend the issuance and distribution of that circular?—A. Never verbally; if there was any criticism made, we have got a letter, and it was made through the division.

Q. You saw nothing wrong in it?—A. I would not state positively, but if there was any criticism, it went through the office.

Q. You didn't make any objection?—A. No; not as it was finally amended.

Q. I will ask you to state if he didn't ask you, at the time you are now speaking of, whether he had a right to call up his cases over his father's signature?—A. I remember having a talk with the young man about that, and I told him of course the very fact that he was a son of a member of Congress would not prohibit his father in using him the same as any other person in acting as a secretary.

Q. Did he submit to you the question in regard to his calling up and getting information for nonresident attorneys not living in his own district, and didn't you tell him that was a matter between him and his father?—A. I think I told him when he had the power of attorney, whether on his father's signature or not, he stood in the same relation as the attorney.

Q. Didn't you tell him he could call up those cases over his father's signature?—A. I certainly told him if he was with his father he could do so. That is a matter between him and the two deputies. He never would come to me with a case of that kind.

Q. I will ask you if you know from the talk you had with young McClellan whether or not he was acting in good faith with the office and upon instructions and information he had obtained from you.—A. I have no reason in the world to think that he thought he was doing any wrong.

Q. And he had canvassed the matter with you?—A. I don't want you to get an idea he was going on there on my advice and doing this work. Attorneys come in there, sometimes 15 or 20 a day, and frequently ask me about their business, but that is not properly official.

Q. You knew all winter he was calling up cases there over his father's signature to get information for attorneys, didn't you?—A. I knew that was the practice; I didn't know that he was doing it any more than anyone else.

Q. Don't you remember of telling me that you told McClellan that it was a matter entirely between him and his father?—A. Certainly, so

far as the calling up of cases that Judge McClellan wanted called up, he had a perfect right to let his son do so.

Q. You gave him to understand that that was a matter between him and his father?—A. Yes, sir; so far as I was concerned.

Q. Now in regard to that circular that Mr. McClellan issued?—A. I have not a copy of it here, although I recollect it very well and at the time it was issued; at the time that circular was issued I saw nothing improper in it, and I think he may have a letter from the law division signed by the Commissioner of Pensions in regard to that circular.

Q. That was before these papers were separated in the Pension Office?—A. There was a time there when a power of attorney would enable the person who held it to call up all the papers in the case.

Q. There was a time then when what he was doing would be proper?—A. Yes, sir.

Q. After that this order was made separating them?—A. Some months ago, perhaps a year, I have forgotten when it was, but the two deputies took up this question as to whether attorneys should be allowed to see evidence in the case. Complaints were coming in in regard to War Department records and Surgeon-General's reports, and the paper was made that is called the confidential jacket and in that jacket were to be placed the papers, and attorneys were not allowed to see them, so that when an attorney came in the office and desired to see one of his cases he could call down all the papers in the case except those considered confidential. Now the member of Congress could go in and call down everything, and of course, if an attorney held out that he had the right to call down all the papers in a case and furnish a copy of the report of the Adjutant-General and Surgeon-General, and the report of the medical examination and the postmaster's statement in regard to the credibility of witnesses, etc., they were not allowed to do that.

Q. When was that order made by the two deputies?—A. I think perhaps six months or a year ago.

Q. Will you furnish the committee the date of that order and also a copy of the circular of Mr. McClellan's that you referred to?—A. Yes, sir.

The following is a copy of circular referred to by witness:

[Office of Charles McClellan, attorney at law, 612 F street NW., Washington, D. C.]

DEAR SIR: I write to offer you my services in any pension cases you may have pending or rejected in which you may wish to know the reports of the Adjutant-General, Surgeon General, examining surgeons, or special examiners, also what evidence, adverse or otherwise, has been filed, and what evidence, in my opinion, is necessary to complete the case. In cases where you have been recognized through power of attorney, especially where you have completed the new law case and wish to take up the old law, you will find my reports of special value, as they are made after a careful examination of the papers filed in the Pension Bureau. My charge is one dollar per case (fee to accompany each inquiry) and if you think this service of sufficient value to you, I would be pleased to hear from you upon the subject. My reply will be prompt and satisfactory. If you desire I can give you references to attorneys for whom I have done this work. When making inquiries, state explicitly the information desired and inclose stamp for return postage.

Respectfully,

CHAS. MCCLELLAN.

By the CHAIRMAN:

Q. Do I understand you to say that this McClelland had the liberty under his father's name to get this private intelligence and convey it to other attorneys?—A. I never so understood it and I never understood he was doing that. I was just explaining to Mr. Cooper in regard to that matter.

Q. Do you mean to be understood that young McClellan had the privilege of going in there and getting all this private information?—A. He ought not to be.

By Mr. COOPER:

Q. Didn't he ask you if he should still have that power by the use of his father's name, and did you not tell him it was a matter between him and his father?—A. I could not tell him that; I did not have that authority, because the papers did not come to me.

Q. Did you not tell him it was a matter between him and his father?—A. Not in the way you put it.

Q. Didn't you use that expression?—A. I don't think I did.

Q. Didn't you tell me that you told him that, Mr. Bailey—that you told the young man that as to whether he should proceed in that way was a matter entirely between him and his father?—A. I told him as I told his father. I have talked with Judge McClellan himself, that if he chose to give his son the right to go down and call up over his signature, of course he had the same right as any member of Congress, but what he did with it outside of that it is none of my business.

By Judge PAYSON:

Q. So far as the office was concerned, what he would get would be as a creditable representative of Congress, and his father would get it if he came there?—A. Yes, sir; and aside from that, the two deputies have exclusive control of that.

Q. A member of Congress could sell information if he wanted to, could he not?—A. Yes, sir.

By Mr. ENLOE:

Q. Mr. Bailey, please look at this pamphlet and state what it is. It relates to instructions to the examining surgeons of the Pension Bureau, 1891. It is a revised edition.—A. I wish to say in relation to that, nearly all the pamphlets are prepared by myself; but I do not think I had anything to do with this one.

Q. Will you turn to page 18 and read the instructions there to special examiners about signing medical examiners' reports when they don't assist in the examination?—A. Yes, sir; I will.

Witness reads as follows:

Number 191. No member of the board may sign a certificate nor make a charge for fees unless he shall have participated in the examination of the claimant. Hence the certificate must never be signed before being filled out and not until it is carefully read over by each surgeon who actually took part in the examination.

Mr. COOPER. Mr. Chairman, I would like to have you pass upon the admissibility of this testimony, which I have offered, which was given by Mr. Lemon in the last investigation.

The CHAIRMAN. I have looked that testimony over and it seems to me it is admissible.

(The chairman puts the question to the members of the committee present, and it is decided that it is admissible.)

Judge PAYSON. If any of that testimony bears upon the question and part of it is admissible, I should think all of it should be permitted to go in, in case I desire it so.

The CHAIRMAN. Very well.

The testimony offered in evidence by Mr. Cooper is as follows:

(Here the witness read the letter sent by him to General Raum; see same in General Raum's testimony.)

Mr. SAWYER. You speak in that letter, referring to a conversation you had with Mr. Raum. Is that the conversation to which you have just referred in your testimony?

A. Yes, sir; it is.

By Mr. COOPER:

Q. After reading the letter you may state whether the creation of the order of completed files, under orders 149 and 151, is a substantial compliance with your request as expressed in that letter and in your previous conversation.—A. I so understand it.

Q. Order 149, the one which prepares the way in the office, and order 151, which authorizes the attorneys to take up these completed cases, are substantially a compliance with your request in that letter and in your conversation?—A. I should say so.

Q. I will ask you to state——.—A. I think the general has said that he had been interviewed before about this by some one else.

Q. You need not state what he said.—A. I fancy that is a substantial compliance.

Q. When did he first talk about his wanting some assistance from you?—A. Well, we had two or three conversations. One, I remember, was about January. It strikes me there were some previous to that time, but I remember there was one in January.

Q. Previous to that time. when was the first?—A. It may have been a year before or six months. I could not state positively whether it was or was not. He spoke of certain things; I do not recollect the conversation very fully.

Q. He said that he would probably want money. Did he want the money then or what did he say about it?—A. As I recollect, he said he had some property there, and if he had the money he could go on with it, or something to that effect.

Q. You did not let him have any at that time?—A. No.

Mr. SAWYER. Had you seen the mines?—A. No, I had never seen the mines.

By Mr. COOPER:

Q. Did you inquire into its value?—A. No, sir.

Q. Did you talk to any one about that?—A. No, sir.

Q. You stated you knew from his bank account and the bank-book that his credit was good, and you also stated there were a number of persons who indorsed for him. Did you ever see a note in there indorsed by anybody for him?—A. I have.

Mr. WILSON. We have no objection to bringing it out, if Mr. Cooper insists upon it.

The WITNESS. They are distinguished men and of the highest character.

Mr. RAUM. I object to having my private affairs brought into this.

The CHAIRMAN. I certainly think that is going way beyond what is necessary.

By Mr. COOPER:

Q. When did he next approach you for money after this interview of which you speak?—A. I think it was about January.

Q. When you made your request both in the conversation which you have detailed and by letter, did you receive any answer to that?—A. Any official communication?

Q. Yes.—A. I do not think I did.

Q. Did you find out what his determination was upon the subject?—A. I do not think our office knew about it until several days after it was issued. The first knowledge we had of the action taken was of the issuance of this order.

Q. I am not talking about that. Did he give you any answer to your letter in which you asked that this order for completed files should be established?—A. I do not recollect that I ever had an answer to that letter.

Q. Did you have any conversation in regard to it?—A. Not after that.

Q. I will refresh your recollection, and will ask if you do not remember going into the office some time after that and learning his determination in regard to this matter, when Colonel Lincoln, the second deputy commissioner, came in and disclosed a letter which he had written to the Commissioner in consequence of that request, and did he not read it to you in the presence of the Commissioner?—A. Yes, I remember it. What is the date of my letter there?

Q. The 16th of November.—A. Yes, I remember such an interview.

Q. Do you remember having that letter read to you?—A. Yes.

Q. That letter was a refusal of your request, was it not?—A. I do not know that the letter was read to me, but I know that Lincoln had decided against it, and I thought his answer was not relevant because he had clearly got the wrong impression in regard to my letter, and seemed to regard it as applicable simply to my business.

Q. Is that your recollection, that he thought your letter was applicable to your business only?—A. Yes, sir; and that the whole of the office would have to go to work on my cases, and that was not what I intended at all.

Q. This is the letter. I want to call your attention particularly to this letter.—A. What is the date of it?

Q. November 29. [Mr. Cooper here read a portion of the letter; see same filed as exhibit in General Raum's testimony.] Do you remember that letter?—A. I do not think that letter was read to me, although it may have been.

Mr. SAWYER. Is there any value in that?

Mr. COOPER. He wanted it read.

The WITNESS. I do not recollect that it was read to me.

Mr. COOPER. I will read on until I reach the point where you may determine whether it was read to you or not. [Mr. Cooper read the letter still further.] (To the witness.) Do you remember that?

A. No; I do not recollect that letter.

Q. Do you recollect being present at any time when Mr. Lincoln and General Raum were also present and the matter was discussed and your request was denied?—A. Yes.

Q. And you do not remember the letter was read?—A. No; I do not remember it.

Q. But reasons were assigned?—A. My recollection is General Raum said he had referred it to the Deputy Commissioner and that he had objected to it, and in those objections he concurred. That is my recollection.

By Mr. LEWIS:

Q. You stated just now that it occurred to you on that occasion that Lincoln was under the wrong impression in regard to the application of this order and thought it would be exclusively or solely for your benefit, and you also state that you did not hear the letter read. Now, how did you receive the impression that Lincoln had that view of it without reading that letter and without knowing the contents of it?—A. That is just an impression in my mind that that was the fact.

Q. Did General Raum explain to you the tenor of the letter on that occasion or the substance of it; did you understand it?—A. He may have. I do not recollect it, but I remember something was said about it might give me advantages—I am merely speaking from recollection—and I stated I could not see how or in what manner it would be any favoritism to me, because I wanted it to apply to the whole office.

Q. Was that impression conveyed to you by General Raum or by the letter?—A. I do not recollect. It is my recollection that it was in the conversation.

Q. Your recollection is not distinct whether you heard the letter read and you do not say you did not hear it?—A. No, I will not say I did not, but if it was read to me I have forgotten it.

By Mr. COOPER:

Q. Do you recollect the fact of having had a conversation with General Raum in which he told you he could not do this thing you had requested?—A. I do not think so—let me look at that letter again. I think there was a subsequent letter to that.

Mr. COOPER. If there were two letters I do not know it, I have not seen it.

The call of the House was here announced and the committee adjourned for thirty minutes.

AFTER THE RECESS.

Mr. COOPER (to the stenographer). Will you please read my last question.

The stenographer read as follows:

"Do you recollect the fact of having had a conversation with General Raum in which he told you he could not do this thing you had requested?"

Mr. COOPER (to the witness). Have you refreshed your recollection as to that?

A. No, I do not think the general ever told me he could not do that. I think, as far as my recollection goes, that it was still to be considered, because that letter I have an indistinct recollection about and some conversation which took place between Mr. Lincoln, Commissioner Raum and myself, and I remember I took the ground that he was all off on his letter and that I never intended, and did not intend, and did not expect anything to apply to my office that did not apply to the whole service.

Q. And yet you say you have no recollection of that letter which you say now he was all off on?—A. I do not recollect that particular letter. I have read it over.

Q. Then you at no time abandoned the effort to get this thing done, the order established?—A. No.

Q. And you still, after you had the conversation with General Raum and Mr. Lincoln, insisted upon it?—A. Yes, sir; and I contested his position, whatever it was. I remember we had quite an animated conversation about it, in which I took the

ground that I did not want it to apply to my office only, but as a rule of action of the office.

Q. Did you continue after that to insist upon it; anything further? Do you remember any subsequent conversation between you and General Raum on the subject?—A. No, I think that the next thing was the order issued.

Mr. COOPER. The date of this letter of Commissioner Lincoln is the 29th day of November.

The CHAIRMAN. What is the date on which the order was issued?

Mr. COOPER. There were two orders. One was issued the latter part of December and the other on the 6th day of January. Now, from the 29th of November, do you remember having any subsequent conversation on this subject?

A. No, I do not. I can not remember those dates as it has been a long time ago, but undoubtedly that must have been referred to when I called at the office.

Q. And your recollection is you continued to insist upon it?—A. Certainly.

Q. You never abandoned your ground but still pushed it each time you had an opportunity to present it?—A. Yes, sir; and still defended the action.

Q. You made frequent calls at the office, did you not, in person?—A. Not very frequent. I do not suppose I went there over two or three times in that period.

Q. Which period do you refer to?—A. November to January.

Q. The 29th and the 16th?—A. Along there; sometimes a month passes and I do not stop there, but I fancy I may have seen him two or three times. My recollection is indefinite, however.

Q. When he made the request of you for the money, or for the indorsement upon which he was to get the money, did you immediately comply the very day he made the request?—A. Immediately.

Q. Yes?—A. Yes, sir.

Q. That request was not made more than once, was it?—A. Not to my recollection, unless at some previous time. I think coming from New York I had a talk with him about that; have been trying to refresh my memory, but I can not remember the date, but it was some months before that; I do not know how long. He got the money, as I have already stated it here, and stated that, at that time, he had a chance of making a fortune.

Q. Where did that conversation take place?—A. Well, I could not tell you whether that was at the Shoreham or at the Pension Office.

Q. Do you have a recollection of meeting him at the Shoreham?—A. I think that was at the Pension Office. Well, I can not say in regard to that, but I said to him, "If you will meet me at the Bank of the Republic I will introduce you to the President of the bank and indorse your paper."

Q. What time in the day was that?—A. I could not tell you, but it was in bank hours.

Q. Which, now, is the best of your recollection, whether you saw him at the Pension Office or at the Shoreham?—A. I think it was at the Pension Office, but it may have been on the streets; I really do not recollect where that conversation occurred, it is so long ago and I see so many people in the course of a day.

Q. Do you remember of having a conversation of any extended length?—A. No, not on that subject; it would not be but a very short time.

Q. Did not he tell you about his enterprise in Virginia?—A. Yes; he told me just as I have declared here, and I think I have given the conversation. It was that he had secured some valuable property in Virginia and had options on land adjoining it, and with that and certain other things he had an opportunity to make a fortune and all he needed was some money for a very brief period of time. That is the only thing I can recollect that occurred at that time; that is the substance of it.

Q. Do you remember whether anybody was present when the conversation took place?—A. I do not think anybody was, though if it occurred in the street in my carriage or something of that kind there may have been; I could not tell.

Q. Have you any recollection of it having occurred in your carriage on the street?—A. We often passed on the street, but I really can not recollect where that occurred, but my impression is I was at his office on business and he spoke about that.

Q. Do you remember going into his private office in the Pension Office and talking about it there?—A. Yes; he was often in there when I went there.

Q. But do you remember going in there and talking in there about this matter?—A. Oh, no; I do not recollect that. I remember that we made an engagement wherever we were and I said to him, "I will meet you at the Bank of the Republic and introduce you to the president and indorse your note.

Q. (To the chairman.) Will you allow me in this connection to ask Mr. Raum about that?

The CHAIRMAN. Certainly.

Mr. COOPER (to Mr. RAUM). Where did this conversation take place?

Mr. RAUM. It occurred at the Pension Office.

Q. Who was present?—A. Well, I do not recollect that anyone was present, but it occurred in my private room.

Q. Was it on the 6th day of January?—A. No, sir.

Q. When was it?—A. On the 7th.

The WITNESS. It was on the same day, the date of the note, because it was a simultaneous thing. I recollect I said to him that I would meet him at the Ba[illegible] of the Republic and introduce him to the president and indorse his note.

At a subsequent meeting of the committee held May 14, upon the motion of Judge Payson, and no objection being had, the entire testimony of George E. Lemon, as contained in House report No. 3732, Fifty-first Congress, second session, was offered in evidence, and upon the further request of Judge Payson is inserted in the record at thispoint.

COMMITTEE ON INVALID PENSIONS,
Monday, September 8, 1890.

The special committee appointed to investigate the Commissioner of Pensions met this day at 10 o'clock a. m.

Present: The chairman, Messrs. Sawyer, Flick, and Lewis.

Mr. LEWIS. I would like to state to the committee that I have received a dispatch from Mr. Goodnight this morning saying he could not be here on account of the sickness of his wife.

TESTIMONY OF GEORGE E. LEMON.

GEORGE E. LEMON sworn and examined:

Mr. LEMON. Mr. Chairman and Gentlemen of the Committee, I have prepared a brief statement which I would like to read first, and then I can be examined. I think this will simplify the case on my side.

Mr. COOPER. I think the usual way is better—to call him as a witness. The objection is, it is hardly fair to counsel to allow any one to come in with a prepared speech on the witness stand.

Judge WILSON. We want to give the committee a statement of the facts of the case from our standpoint, and then Mr. Cooper can examine him.

Mr. COOPER. I want it understood that this comes in with my objection.

Mr. LEMON. As to the first charge made by Mr. Cooper I have nothing say. It is a matter that is not directed against me and does not in any way relate to me.

The second charge, while it does not name me as the attorney in the charge itself, still in the matter which precedes it my name is mentioned, and it is clear that I am the attorney referred to. Now as to Gen. Raum. I have been acquainted with him for about twenty-five years, not intimately, but have known him very well, and we have had some warm mutual friends. I have always heard him spoken of in the very highest terms. He was the Commissioner of Internal Revenue for several years, and collected several hundred million dollars, and he came out of that office unscathed. I did not suppose that he was rich, but supposed that he was in comfortable circumstances. He had the reputation of being a man in prosperous professional life, giving him an income of from $15,000 to $20,000 a year from his practice, and an examination of his account and what has passed before me as a director of the bank in which he kept his account gives me no reason to doubt this. When he discounted paper at the bank he had indorsers of the highest character, personally and financially.

When Gen. Raum called on me to indorse his paper he told me that he had secured a large piece of valuable property in West Virginia, had certain options on other properties, and stated that a railroad company had promised to run a branch line right up to his property, and that everything looked encouraging; that he was interested in some other matters, and that all he needed now was some money for a very short time. So when he asked me to indorse his note for $10,000 I did so without hesitation. Shortly thereafter—one or two months, I suppose—he again asked me to indorse a note for $2,000, which I did. This note for $2,000 came due first and was paid at maturity. When the $10,000 note became due he wanted to get an extension for three months, which was granted him on my indorsement. When it became due again he stated that he could only pay $1,000, and he wanted another extension on the balance ($9,000) for three months. I also indorsed his paper for this. Now,

Mr. Cooper states in the second charge that in consideration of certain indorsements upon Gen. Raum's notes the Commissioner took up many thousands of my claims out of their order and expedited their settlement, and that this was in pursuance of an agreement which we had made. He also alleges that the indorsements were the cause of the issuance of this alleged preferential order, and that I have thereby had a large number of claims advanced out of their order. This he has charged from his seat in the House of Representatives and in an interview copied in the New York World of September 2, 1890, from the Indianapolis Sentinel. It is as follows:

Now I read an extract from the New York World of September 2, 1890—

"Under this order of Raum 36,000 cases were taken from pending files and placed upon the completed file. Of this number 12,000 were Lemon's. Of these, 8,000 were original cases in which the fee is $25 each, making $200,000, and 4,000 were increases on which the fee is $10 each, making $40,000 more, or a total of $240,000 in fees which Mr. Lemon secured in a short time by reason of Raum's order. Raum tries to excuse himself by saying that the order was general in its application and all other attorneys might have availed themselves of it; but in operation it was in effect partial to Lemon, because he was located in Washington."

This is from the New York World of September 2, 1890, and that is really why I wished to have Mr. Cooper examined first to see if he denies that interview.

Mr. COOPER. Will you allow me to make a statement about that now? I made this statement to a reporter in substance as it is given there. That is, he interviewed me at the Grand Hotel, Indianapolis, and I then gave in a running conversation my version of it just as it appeared and I do not see any substantial correction I desire to make except this: 36,000 cases to which I referred—in round numbers, there were some 35,240 cases, I think, testified to by Gen. Raum—were taken from files by the clerk in the office, and I said—he did not get my statement in full—I said that 8,110 of Lemon's cases were put upon the completed file upon allowed slips filed by him; that out of this 36,000 put upon the completed file by the Department, independent of that action, there would be at least 4,000 of those which would be his proportion, as I judged, of the general business, making in all 12,000 cases of those which were advanced by the order of completed files and put on the completed files. Then I stated out of these 12,000 I would suppose 8,000 were original and 4,000 were increased cases, which would make the business exactly as he has given it here in the aggregate.

Mr. LEMON. But you state that in a short time I had received $240,000.

Mr. COOPER. The calculation is made here of these 12,000 cases, and the fees would probably be $240,000.

Judge WILSON (to Mr. Cooper). Now you will see the obvious propriety of having you sworn before Capt. Lemon made his statement.

Mr. SAWYER (to Mr. Cooper). Then I understand you to say that you learned that 8,000 had been put upon the completed files by the request of Mr. Lemon on slips?

Mr. COOPER. Yes, sir; 8,110. That is the number sworn to by Mr. Bailey, I believe. Is that not so, Mr. Bailey?

Mr. BAILEY. At that time.

Mr. COOPER. And the other 4,000 to make the 12,000 was my estimate of the 36,000 put on the files; that is, his share of it.

Judge WILSON. This appears to be quoted here. All of this is put in quotation marks. Did you write this yourself?

Mr. COOPER. I never wrote a word of it.

Judge WILSON. Did you dictate it to a stenographer?

Mr. COOPER. I am not sure whether he was a stenographer or not. He wrote while I talked, and I did not look at the paper.

Judge WILSON. How long were you and he together?

Mr. COOPER. Only a short time. I talked as rapidly as I am talking now, I think.

Judge WILSON. Then he must have been a stenographer, for he could not have remembered all that.

Mr. COOPER. His interview was quite brief——

Judge WILSON. You did make substantially this statement to him?

Mr. COOPER. Yes, sir; exactly as I make it here now.

Judge WILSON. And that has gone out to the country as your version of this case at Indianapolis, and gone out all over the country?

Mr. COOPER. Yes, sir; and this is the version I still maintain.

Judge WILSON. As it is stated here; is that what you maintain?

Mr. COOPER. With the qualification that he did not give the figures, but, rather, the result. He did not give the particulars as I give them to you now.

Judge WILSON. Did you revise the stenographer's notes?

Mr. COOPER. No, sir; I did not see it until the next morning.

Judge WILSON. You are still standing on that statement?

Mr. COOPER. On the result, I do. That $240,000 is my estate How that is reached——

Judge WILSON. But you do not put it as an estimate here, "or a total of $240,000 in fees, which Mr. Lemon secured in a short time by reason of Mr. Raum's order."

Mr. COOPER. You see the whole thing is put as an estimate.

Judge WILSON. No, it is not.

Mr. COOPER. It is a calculation, "under this order of Raum's 36,000 cases were taken from pending files and placed upon the completed file. Of this number, 12,000 were Lemon's." Now, that is an error of the reporter, but 12,000 of his cases, I still maintain, were advanced, but not out of this 36,000. I never stated that.

Judge WILSON. I am taking it as it appears here. This is substantially what you stated to the reporter?

Mr. COOPER. Yes, sir; but the 12,000 were not out of the 36,000.

Mr. LEMON. Mr. Cooper also stated that General Raum was insolvent when I indorsed his note.

Now I read from the report of the Committee on Rules as to what Mr. Cooper said to the committee:

"Also stated that Green B. Raum at that time was insolvent, and that no prudent business man would become his surety for a like sum of money without some *quid pro quo*."

Mr. SAWYER. In the examination of witnesses, heretofore had, the question has been raised as to the admissibility of evidence touching the financial condition of Mr. Raum, and the committee, as I understand it, has decided that at the present situation of the case that such evidence was entirely immaterial. Now, if we go into it now, I do not see why it does not open the whole case again.

Judge WILSON. We are not going into it at all; we are giving the status of Capt. Lemon's knowledge of Gen. Raum. We do not not know what his financial condition is.

Mr. COOPER. But if he says that he was not insolvent, and that he is a good, prominent, business man of Washington, I want the right to show that his insolvency was notorious, and to contradict it.

Judge WILSON. He does not propose to say whether he was solvent or whether he was insolvent, and he does not know anything about it, but here the impression is tried to be made that Mr. Lemon must have indorsed for him on account of a certain consideration.

Mr. SAWYER. But there is no evidence in the case that Mr. Raum is insolvent.

Mr. FLICK. Mr. Lemon would have the right to make a statement as to his knowledge.

Mr. SAWYER. But there is no evidence that he is insolvent; the committee has kept that evidence out as yet.

Mr. COOPER. I think Judge Sawyer is exactly right, and if it is fair for him when he comes on the witness stand to state that he did not know when he indorsed this note that he was insolvent, I have the right to prove he was, and if he was a good business man, he ought to have known it. I claim that will entitle me to make that proof.

Judge WILSON (to Mr. Lemon). If the committee has any question about it, pass that over, because that is a matter Gen. Raum is more concerned in than you are, and you do not want to affect him.

Mr. LEMON. The order relating to the completed files, about which so much has been said, is not an entirely new departure. Substantially the same principle has been in existence for years, the only difference being that heretofore it has governed the office for the months of April, May, and June, or parts of those months, in each year. It has been the uniform custom for many years, under both Democratic and Republican administrations, upon the approach of the end of the fiscal year, to go through the Pension Office files and select everything that was believed to be complete for submission to the board of review for final action. It has further been the custom for the Commissioner to have his attention called, by the attorney, to any cases which were believed to be complete, as that would save the office the trouble of going through the files to look for them, as it was the policy of the Bureau, as stated before, to close out everything that could be allowed, at or before the end of each fiscal year. This was done under Gen. Black's administration as well as during the administration of other Commissioners of Pensions, and I therefore claim that this order, if it has been found wise policy to adopt it during the two or three months in the year, was equally wise to adopt it for twelve months in the year. It is certainly due the soldier, if his claim is complete, that it should be taken up for allowance, and I quote from my letter to the Commissioner of Pensions, dated November 16, 1889, which has already been published and is a part of the record in this case:

"I believe that it is a wise policy to give such cases, no matter when they were filed, the right of way, not only to relieve the files of your office, but as a matter of right and justice to those claimants who have complied with the law."

I am of the same opinion now as then, and if my letter or any verbal statement of mine induced the Commissioner of Pensions to adopt this order as a rule of practice for the entire year, I am exceedingly gratified and think that I have thereby rendered the soldiers and the Government a great service.

Now, to show that this order did not operate to my advantage more than to that of any other attorney, I want to call the attention of the committee, especially, to the following table. It will be shown by the public records of the Pension Bureau, upon a comparison of the allowances made to me by Gen. Raum from January 1, 1890, to July 30, 1890, with those allowed me by Gen. Black from January 1, 1887, to July 31, 1887, being for the same months in different years, that in January, 1887, Gen. Black allowed me 821 cases, and in January, 1890, Gen. Raum allowed me 670 cases; in February, 1887, Gen. Black allowed me 773 cases, and in February, 1890, Gen. Raum allowed me 723 cases; in March, 1887, Gen. Black allowed me 857 cases, and in March, 1890, Gen. Raum allowed me 1,213 cases; in April, 1887, Gen. Black allowed me 1,099 cases, and in April, 1890, Gen. Raum allowed me 996 cases; in May, 1887, Gen. Black allowed me 1,068 cases, and in May, 1890, Gen. Raum allowed me 1,051 cases; in June, 1887, Gen. Black allowed me 1,465 cases, and in June, 1890, Gen. Raum allowed me 1,014 cases; in July, 1887, Gen. Black allowed me 964 cases, and in July, 1890, Gen. Raum allowed me 1,022 cases. Thus, from January 1, 1887, to July 31, 1887, Gen. Black allowed me a total of 7,047 cases, and from January 1, 1890, to July 31, 1890, Gen. Raum allowed me 6,689 cases, a difference of 358 allowances in favor of the administration of Commissioner Black in seven months. I therefore declare that the statement of Mr. Cooper that Commissioner Raum has in any way shown me partiality, or has made my cases special, or treated in any way other than those filed or represented by other attorneys, or those of other claimants who deal direct with the Bureau, is an unqualified falsehood.

After a practice of twenty-five years in the Pension Office I have to state that it is impossible for me to state, absolutely, when a claim is complete from the standpoint of the Commissioner of Pensions, nor can any other attorney do so. Of course, I know all the testimony that may be required in a case, and I also know when the requirements of the Pension Office, as given me by official letters, have been complied with, but there are many things that may suspend a claim believed by the attorney to be complete; for instance, the report of the examining surgeon may not have reached the case, or it may not be sufficiently full, or it may be otherwise deficient, the affidavits of officers or enlisted men which may be submitted by the attorney may be referred to the War Department for comparison of officers' or comrades' signature, or for verification of their service to ascertain if the witness was really there, and in command of or with the company when the disability claimed is alleged to have originated, so to determine whether he or they had personal knowledge of the facts testified to, or in many cases they are written to by the Bureau regarding their testimony as given, or their credibility as witnesses may be inquired into, the Surgeon-General's report may not have been fully rendered, the affidavits filed by the attorney may develop that the claimant was in some hospital that had not been previously referred to and from which no record has been obtained by the Pension Bureau, or if the papers are all complete in form the examining surgeon may have reported that there was no disability—or for many other reasons the claim, though apparently complete, may be considered inadmissible at that particular time.

A completed file does not mean that all the claims sent there are going to be allowed. Large numbers of them will, of course, be rejected. In many cases where requirements are made it is impossible to furnish the testimony called for, and, therefore, upon the filing of an affidavit of the claimant showing that such evidence can not be obtained, I submit the case as it stands, as a complete case, it being the nearest approximation to the requirements of the Office that can be furnished. Such affidavits may or may not be satisfactory to the Department, but the claim is nevertheless complete; all these things are to be done by the Department; I mean I have furnished all the evidence I can produce so far as I am concerned. I deny in the broadest terms that this order was asked for or was ever intended to apply to my cases only, or to apply to my cases in any manner other than it applied to the claims represented by other attorneys or by the claimants themselves. It was a general rule of action asked for, and it is a general rule against which not one word can be said except through ignorance or malice.

Now, this is the form of request for reference:

REQUEST FOR REFERENCE TO "COMPLETED FILES."

[—— —— Division. No. ——, —— Inv. —— —— Co., —— Reg't, —— Vols.]

LAW OFFICES OF GEORGE E. LEMON,
615 FIFTEENTH STREET N. W.,
Washington, D. C., —— ——, *1890.*

Under Order No. 151 application is hereby made for the reference to the "Completed Files" of the claim above described; and upon a careful consideration of my record of the case, it is on honor certified that it appears that the declaration is formal as to execution, and complete as to allegation, including the service and discharge of the soldier and the incurrence of his disability; that the proof establishes that the disability alleged in the declaration was incurred in the service and in line of duty; that the disability alleged has caused a pensionable degree of incapacity for labor during the period for which pension can be paid; that the disability still exists in a pensionable degree; that the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration and, therefore, in my opinion, the claim is complete.

Very respectfully,

GEORGE E. LEMON.

To the Hon. COMMISSIONER OF PENSIONS.

These are results. You have seen these, I presume. These are what the Commissioner of Pensions sent to me in reply thereto. I can give you copies of some of these if it is desired.

Judge WILLSON. Are these actual letters?

A. Yes, sir; they are official communications. With Order 151 the committee is no doubt familiar, and in compliance with the instructions there contained I have in common with other attorneys, had printed certain slips which contain the data necessary to identify the claim, and a statement showing why the claim should be considered with view to a reference to the completed files. In said slips it is stated that having carefully considered my record of such case or cases, I certify on honor that it appears that the claim is complete according to the requirements of Order 151. The making up of these slips and their filing is intrusted to the judgment of experienced clerks, and upon the receipt of such requests for reference to the completed files of the Pension Bureau the claim or claims are so referred and await the final action of the Pension Bureau.

Some of these cases are allowed, others are not. It often transpires, as before stated, that upon a careful reëxamination of the case at the Pension Bureau, the Bureau itself has been guilty of laches in not working up some undeveloped point in the case which I had every reason to believe had been done. For instance, my slip requesting a reference of a case to the completed files may call up a case, complete so far as my records show, where evidence of an officer or comrades, filed months and sometimes years ago, has not been acted upon by the Bureau, and no attempt has been made to rectify the service or whereabouts of the witnesses or to ascertain his credibility, as the Bureau should have done when the evidence was filed, and for many similar reasons the final adjudication of the claim is delayed.

If, therefore, one-half, or one-third, or even one-fourth of the claims thus passed upon the completed files are found ready for admission and are allowed, the wisdom of the order appears to me to have been fully exemplified.

It has been openly charged by Mr. Cooper that when the completed files was formed about 36,000 cases were found in the Pension Bureau as apparently completed, and this was the first contribution to the completed files under the order before referred to, that out of that 36,000 claims thus selected by the examiners of the Pension Bureau, and without reference to the fact that any claim was represented by an attorney or not—in fact, the hasty examination made at that time, as has been testified before this committee, did not give the examiner any opportunity of ascertaining whether these claims were represented by an attorney or not—they simply determined the completeness of the case by the evidence strapped to the jacket if it apparently answered the last call. It has been charged by Mr. Cooper, as before mentioned, that out of these 36,000 cases, 12,000 of them were claims in which I was the attorney. He even goes into particulars and states that 8,000 were original invalid cases and 4,000 were increase cases, and that these cases, he says, gave me fees amounting to $240,000, which amount, he says, I secured in a short time by reason of Commissioner Raum's order. In view of the fact that from January 1, 1890, to July 31, 1890, I had secured allowances in only 6,689 cases, including both original and increase cases, it

is apparent that his statement is grossly inaccurate. The pension records will show that of the whole number of my cases which have been referred to the completed files from the beginning of the system there were on September 1, 1890, 3,752 original invalid claims, 1,226 increase claims, 99 restoration claims, 284 widows' claims, 48 mothers' claims, 24 fathers' claims, and 40 minors' claims still remaining unsettled, making a total of 5,473 cases in which I am the attorney, and which have not been allowed. It is thus apparent that Mr. Cooper's charge that all of these claims have been settled and that I have received $240,000 in fees in a short time is in every particular inaccurate.

It is true that I have in every honorable way presented pension claims for the last twenty-five years, and I have always endeavored to hasten their settlement as rapidly as possible. I am employed for that purpose, and I feel that I would be guilty of a great breach of trust if I did not diligently do everything that an attorney could properly do, not only to prepare evidence for the consideration of the Department, but after it has been filed to endeavor to secure the earliest possible consideration and an early settlement of the claim. I have endeavored to do this not by means of favoritism, but by the adoption of general rules looking to that end.

I have never asked anything of Commissioner Raum, or of any other Commissioner, to which I was not legally and fully entitled as a reputable attorney, and only in the interests of my clients.

The working force of my pension branch has very greatly increased. For some years I have employed fifty or sixty clerks, and now I am employing a force of eighty-two on pension work. Many of the clerks are expert in pension practice, and the great success which I have had is undoubtedly due to the fact that we have given the closest attention to the work, and have had during the fall, winter, and spring months for many years a large night force, and every branch of my business has been pushed with vigor.

As to whether my claims are properly presented I leave the committee to judge from evidence which they can obtain from employés of the Pension Bureau.

This completed-file matter corresponds with the trial dockets of every court in the country. Litigants who are ready for trial do not have to wait for those who are not ready for trial.

Mr. Cooper betrays either ignorance or malice in his attacks upon me and his treatment of this whole matter, and unfair as he has been, with a view of giving him a thorough understanding of the whole subject, I invite him to come to my office at any time, bringing with him one or even fifty experts in pension business, and he can call for any case in my office, or he can start with James H. Aaron, who heads the list, and go down through to Z and examine any and every case he desires. I invite him to come in at the front door and not to hunt up discharged clerks to get information, but let him come right in like a man and get the information. This will obviate the necessity of his making baseless charges which never had any foundation.

[Extracts from remarks by Senator Hoar upon a resolution introduced by him in the Forty-eighth Congress, first session, March 17, 1884, page 1957, Congressional Record, vol. 15, part 2.]

"Referring to the following:

"*Resolved*, That the Secretary of the Interior be directed to report to the Senate the names of all pending applications for pension in which the original applications have been pending for more than two years, with the condition of the same and the reasons why the same have not been finally disposed of."

* * * "There are few things more tragical than the history of these pension cases. There is not any tragedy which can be put upon the stage which ought to move the feelings of a right-minded man, and especially of an American legislator, like the stories which come to us day after day, week after week, month after month, and year after year, of the hope deferred, of the poverty, the sorrow, the agony of these men, and the widows and orphans of the men who have given their life and health and strength and the best part of their manhood to the safety of this country."

* * *

The delays in the settlement of pension claims seem to me to be simply criminal. It has taken, in an average, about as long to get through a pension claim as it took to put down the rebellion. Many soldiers have applied to me for pensions, which I have prosecuted for several years; they have died; their widows have applied, they in turn die or remarry, and it thus very often happens that the pension, which was not granted to either the soldier or the widow, and which should have gone to him in his lifetime and have given him assistance, particularly in his last illness, to provide medical attendance and medicine, has been paid to a guardian of his minor child or children years after his death, and it seems very strange to me that during all this period of twenty-five years since the close of the war I and others who have been trying to simplify the practice of the Pension Office, and endeavoring to secure Congressional legislation in the same direction, and to enlarge the pensions, every

such attempt has been received by a certain class of newspapers in the country as a signal for abuse and insult heaped upon every person connected with such beneficial results, and so now, from one end of this country to the other, through false and malicious statements, I am being denounced; and for what? Simply because I have been endeavoring, in a proper manner, to get prompt action upon just claims—claims which are nothing but a sacred debt which the Government owes to those who saved it from destruction.

Mr. SAWYER. I want to ask, for I have got a little confused, which is not at all unusual for me, as I understand it stated by Mr. Cooper, at least that is the way I understand it, that on the completed list of cases there were 8,110 put on that list at the request of Mr. Lemon upon slips filed by him?

Mr. COOPER. That is right, the proof shows that.

Mr. SAWYER. And that forms no part of the 36,000——

Mr. COOPER. Whatever his share of the 36,000 would be, would be additional to the 8,110.

Mr. LEMON. The statement Mr. Cooper made to the reporter was not that.

Mr. COOPER. That makes the 12,000; the result is the same.

Mr. LEMON. It is a very different representation, and it will give the idea that one-third of the business came in from my office. That would make it appear that of the 36,000 claims one-third came from me, and that all these completed files were paid and I had received $240,000.

By Mr. COOPER:

Q. What portion of your claims that are now being allowed, and have been allowed in the last six months, are original, and what proportion are increased claims?

Mr. LEMON. I really could not answer that question without reference. I can ascertain readily, but I could not state it from memory. The public records of the Pension Office will show that much better than I can.

Q. General Raum testified that he kept no account of the allowances there, either.

Mr. LEMON. He would have to do just as I would have to do; he would have to go over the files and draw them out.

Mr. RAUM. I said that I kept no account of each attorney.

Mr. COOPER. That is my understanding.

Mr. SAWYER. It does not show them separate.

Mr. RAUM. Oh, no.

Mr. SAWYER. I understand, though I may have been mistaken, that Mr. Lemon gave a statement of so many original claims——

Mr. LEMON. No; I did not separate them, but I read you the total number of allowances. They were not separated as to how many were originals, and how many widows and increase cases, etc., there were.

By Mr. COOPER:

Q. Now, you have read to the committee a long statement of your case, coupled with an advertisement of your business. Who prepared that?

Mr. LEMON. I prepared it.

Q. Did you have any assistance?—A. Yes.

Q. What assistance did you have?—A. I have a good deal of this information prepared in various ways.

Q. What various ways?—A. The clerks have prepared some of it, and I have applied it. I took a stenographer——

Q. Did you have any assistance from an attorney?—A. Certainly. Judge Wilson is my attorney.

Q. You consulted with him in regard to this?—A. I prepared this myself.

Q. Did you submit it to him?—A. Yes; but only this morning. This is my statement.

Q. He has been present at the meetings of the committee, and representing you here in this case?—A. I believe—likely.

Q. You have been away from this country for a while?—A. Yes.

Q. Where?—A. In Europe.

Q. When did you go?—A. July 9.

Q. You knew when you left that these charges were preferred?—A. I did. I knew you had made your statement, but that nothing had been done for some time; and the New York World—I think it was the New York World—and certain other papers, stated that the thing would not go on. When did you introduce your resolution?

Mr. COOPER. On the 7th of June.—A. I did not leave until the 9th of July.

Q. You did not expect to go when you left, did you?—A. Yes, I did.

Q. Did not you rather go unexpectedly?—A. No, for I had engaged my passage in March.

Q. Did you not telegraph back here for money?—A. Oh, no; not at all. I had ample means.

Q. Yes, I know you had ample means here.—A. I had here and in Europe also.

Q. What is the extent of your fortune?

Judge WILSON. I object.

The WITNESS. That is none of your business.

Q. You have accumulated whatever ample means you have in the pension business?—A. Not at all; I have some—for instance, I have a piece of property on G street, for which I paid $8,000, and is now worth $50,000. I have been successful with pretty much everything I have been into.

Q. What is the amount of your annual income from your pension business?—A. That is none of your business, sir.

Q. You stated the amount one or two years ago, why should you not state?—A. I have not.

Q. Did you not state the amount of allowances under Gen. Black?—A. I stated that the public record of the Department would show just how many claims I had received.

Q. Well, I was asking that question, what is the average income from that business?

Judge WILSON. I object.

Mr. COOPER. He has paraded here his self-sacrificing services for the soldiers, and I want to show what is the extent of this——

Mr. SAWYER. I do not see what pertinency that is here.

The WITNESS. Right here I say for your information that I have been offered from pensioners I suppose a million dollars in both money and promises. I do not suppose that in this period less than that amount in cash has been offered me, every dollar of which has been declined, and I have never taken an illegal fee in a pension claim.

Mr. COOPER. Is it not against the law for a pension attorney to take a present?

Judge WILSON. When money was sent here what did you do with it?

The WITNESS. I returned it.

Mr. COOPER. It would have been a violation of the law to have taken that. You would not say that it is an evidence of high moral character to obey the laws of the land.

The WITNESS. You get $5,000 a year for your services as a member of Congress and I get $25 for a pension case, and I earn my money.

Mr. COOPER. I do not know about that. You decline to state the amount of your annual income from your pension business.

A. Certainly I do, and I do not think an honorable, high-minded man would ask such a question.

Q. I understand your views on that subject, for you have fully expressed them. Have you ever had any trouble with the Pension Office? (To the committee.) He has stated here that he has been a high-minded practicing attorney for twenty-five years and practicing in an honorable profession alway. Now, I want to know if he has had any trouble——

The WITNESS. With the Pension Office?

Q. I asked you—he has made a voluntary statement here and after all this bombastic talk I want an answer—I asked you if you have ever had any trouble or been disbarred——

The WITNESS. I have practiced before the Pension Office for twenty-five years without any trouble.

Q. Were you never charged with anything?—A. Not in the Pension Office.

Q. What office, then?—A. I had some trouble with a member of Congress twenty-two years ago——

Q. Mr. Colfax?—A. Yes, sir.

Q. You were charged with forging his name to a certificate?—A. No.

Q. Was the charge not that of forgery?—A. I say no. If I can get some witnesses I would just as lief go into that as not. It does not reflect upon me when all the facts are known, and as that has been twenty-two years ago——

Q. You went back twenty-five years in your statement, sir, and I suppose I have a right to go back the same period.—A. It never affected me in the least in the Pension Office.

Q. Where was that, in the Surgeon-General's office?—A. The War Department.

Q. While you were prosecuting claims for horses or something of that kind?—A. Yes, sir.

Q. And you were charged with forging Schuyler Colfax's name?

Mr. WILSON. Do you think we ought to go into this.

Mr. COOPER. If he strikes out his certificate of good character for twenty-five years I do not object, but I do not propose to have the gentleman come here and give a certificate of good character, and as being a high, honorable, upright man, making a reflection upon me, without going into this whole thing; and if that is so, then I

move to strike out his self-indorsement so that he can not put in the records such a laudatory brief like that introduced, covering a period of the last twenty-five years, when the fact is brought out here that he has committed this forgery and he refuses to answer whether he was disbarred from practicing here.

The WITNESS. The charge against me was that I had used Mr. Colfax's name as a reference. I had a letter of introduction from my Senator, Ira Harris, and Hon. John A. Griswold. I was getting out a circular and I put his name on there, thinking he would not decline before I presented my letters, and when I presented my letters—I did not see him at once, but after several days—and when I did present the letters to him he stated that it was a rule of his life not to allow anybody to use his name unless he had known them for a long period of time, and he declined to do it on letters of introduction.

Q. But you used his name?—A. I used his name as a reference on a business card.

Q. And for that you were suspended from practicing in the Department?—A. Yes, sir.

Q. Did you send out that card from your office [producing same]?—A. Yes; that is from my office.

Q. You sent out that?—A. It is dated June 26.

[Memorandum from George E. Lemon, counselor at law and solicitor of patents and claims, 615 Fifteenth street N. W., P. O. Drawer 325.]

WASHINGTON, D. C., *June 26, 1890.*

The new pension bill will become a law as soon as the President affixes his signature thereto. In the meantime nothing can be done, as all applications filed or executed prior to the date of such approval by the President will be rejected, as well as all applications which are not on the regular approved form adopted by the Secretary of the Interior.

I advise you to pay no attention to the circulars which you may have received from other attorneys, as I am prepared to give you the best of service, and will carefully look after your interests.

As soon as the bill becomes a law I will send you a proper application, with full instructions. You will lose nothing by waiting until you hear from me again, *as I have the papers in your case*, and can, therefore, act intelligently.

Very respectfully,

GEORGE E. LEMON.

Mr. WILSON. What has that to do with this?

Mr. COOPER. You stated in this card that you are prepared to give them the best service, and that you advise them to pay no attention to circulars from other offices. What advantage have you over other attorneys; what short cuts have you over other attorneys?

A. These are on my file; I have all the papers. That is not sent to anybody except a client of mine.

Q. What advantage have you; have you the papers in this case?—A. Certainly I have. I must have all the correspondence.

Q. All the correspondence, but I want to know if you do not state here that you have all the papers in the case in your possession?—A. Certainly.

Q. Do you mean you have the papers from the Pension Office?—A. No.

Q. Is that not the reasonable inference from your card, that you have the papers in the case?—A. No.

Q. Do not you say, "I have the papers in your case?"—A. I say that I have been corresponding with that man probably for a long period of time, and I send that out in cases where I have the cases on file, where he is a client of mine.

Judge WILSON. You have your cliant's papers?

A. Yes, sir.

Q. You do not mean to say you have the papers from the Pension Office?—A. No, sir; there are a large number of cases in my office where a man might be benefited under this new bill, and that form of postal card is not sent to anybody but my clients.

Q. You mean you only send letters of this kind to parties where the person has made prior application through you?—A. Yes, sir; that is what I meant to say.

By the CHAIRMAN:

Q. Did you intend this circular as a precaution for yourself against attorneys who might make special representations to these men, or did you intend to convey the idea that you were peculiarly equipped in some way to present their claims over anybody else?—A. I intended the former part of your statement. I sent this because a good many attorneys stated that this new law would take any papers on file, and I did not want a wrong impression to get abroad, and just as soon as the law was passed I intended to send the applications.

Q. You say you intended this circular to counteract any undue, any unprofessional statements from other persons?—A. That is all.

By Mr. COOPER:

Q. You say you never thought to take any advantage of the Pension Office in your statement here in any way; I will ask you to state if you know George B. Squires?—A. I do.

Q. I will ask you if you did not direct him while he was private secretary of the administration preceding this to stamp a great many of these cases at night and put them on the desk of the examiner in the morning?—A. Never in my life.

Q. I will ask you if you did not do it through your private secretary, Mr. Taber?—A. I have no knowledge of such a thing and no such request was ever made in any way. There were a large number of cases filed along about the close of 1889, just the same as I stated, under Mr. Black, at the end of the fiscal year, when a large number went in.

Q. You do not know that they were stamped at night by the private secretary and sent down to the desk of the examiner in the morning. Did you ever hear of that?—A. I do not recollect it.

Q. I will ask you if you do not know that your private secretary, Mr. Taber, took Mr. Squires and other employés of the Pension Office up the river and gave them a wine supper?—A. No, sir.

Q. And you did not pay the bill?—A. No, sir.

Q. Mr. Taber is your chief clerk?—A. No, sir; he is chief of a branch of the office.

Q. You put in testimony here your request for reference to completed files; will you furnish me with slips which you used prior to the establishment of the order for the completed file for that same purpose?—A. I think I have one here.

[A slip of this color is never used except in urgent cases, or in cases presumed to be complete.]

——— ——— Division. No.——. [Character of claim] ———. [Name of claimant]———. [Name of soldier]——. [Rank]——. [Company]——. [Regiment]——.

LAW OFFICES OF GEORGE E. LEMON,
615 FIFTEENTH STREET N. W.,
Washington, D. C.,——— ——, *18*—.

The special attention of the Hon. Commissioner of Pensions is invited to the claim above mentioned, for the following reasons, viz:——— ———.

Very respectfully,

GEORGE E. LEMON.

These were the slips you used previous to the slips now used to put cases on the completed files?—A. This is the one. My recollection of that was it was either cases that were completed or else cases that had been called up several times and we could not hear from the Commissioner. Some of them had been there a year and a half or two years. It would be something in this form: "All requirements having been complied with, official action requested." There would be some special reason, either that the cases had been delayed or something of that kind.

Q. Now, you say it has been the custom for many years to go through the files in the spring, in May and June?—A. Along in May and June.

Q. And to select out those cases which appeared to be complete?—A. Yes.

Q. That is done by the Department itself?—A. Yes.

Q. Without reference to any request from any attorney?—A. Well, I have asked frequently——

Q. I mean a specific request in a specific case?—A. I do not know about that, I do not know how general the rule was in calling upon attorneys, but I know the practice was for them to go through and select everything that they could select.

Q. Well, in May or June, 1887, under Gen. Black, did you make this kind of a request and furnish him the list?—A. Undoubtedly.

Q. About the time you speak of getting a great many cases allowed under Gen. Black, he allowed you the same privilege you here obtain under Gen. Raum?—A. Understand me that he did not make any exception in my case.

Q. I know that; but were attorneys allowed to do that thing?—A. He allowed me to do it, and I assume he allowed everybody else to do it.

Q. Now, as you have stated, you had your cases, a great number of them, as you have here stated, under Gen. Black advanced and disposed of?—A. Yes.

Q. Now, were the claims of attorneys who did not avail themselves of that privilege, and claimants who had no attorneys, were they advanced likewise?—A. Likewise.

Q. How do they get advanced?—A. The clerk would go through his records——

Q. I thought you stated just now it was upon your request?—A. I do not mean that; that would have been done in any event, but in this case it would be found by the Department without much trouble.

Q. You think that it would be more likely to be found by filing the slip, and so you filed these as you said under Gen. Black?—A. I have always done that under Col. Dudley and Gen. Black, and I think it was commenced under Bentley.

Q. And that facilitated your business?—A. Not my own alone, but others.

Q. But did not that facilitate your business?—A. Certainly.

Q. Wherever your business was facilitated, was not the business of others retarded exactly in the proportion that yours was advanced?—A. Not at all.

Q. You got your cases passed upon and you had the benefit of that, and these others were put back?—A. It always applied to these cases; that is, completed cases——

Q. But you have stated it would not be advanced unless you called attention to them?—A. Yes; they might have been, but it was my business to call them up.

Q. And you believed it would advance them, and therefore you did call them up and they were advanced. How many cases have you pending in the Bureau altogether?—A. I really could not tell you.

Q. How does your business compare this year and last year? Has your business increased or decreased in the last year or two?—A. It has increased, I think.

Q. Your business has increased?—A. I fancy so.

Q. You do not know?—A. I should say it has increased.

Q. You know that you have a greater number of cases than before?—A. You mean without reference to the new law?

Q. Without reference to the law.—A. I should say I have about the same—even.

Q. You have stated the number of cases disposed of in a number of months under Gen. Raum and also under Gen. Black?—A. Yes, sir; disposed of—you mean allowed?

Q. Allowed, yes. Now, I will ask you if a great number of your cases that have been put upon the completed files under the order of completed files are not yet pending unallowed?—A. Certainly, there are about, as I stated here, 5,473.

Q. They are still pending, but they have been advanced on the completed files by reason of this order, and yet not disposed of. Now, when did you first speak to Mr. Raum about having these cases put upon the completed file?—A. I have always tried to have rules passed that would get immediate action upon completed cases.

Q. You suggested a system to him which has since been adopted?—A. I did, but I did not know whether anybody had done so previously.

Q. You saw him at the Pension Office?—A. Yes, sir.

Q. And for that purpose, and what he afterwards did in the way of establishing an order in regard to completed files was, in substance, the thing you recommended?—A. I think it is.

Q. And that you say was for the purpose of advancing——A. The letter itself is the best evidence of that.

Q. I am asking you about the conversation that took place between you and him; the letter is a subsequent matter?—A. The letter was substantially the outcome of the conversation. That letter is here somewhere.

Mr. LEWIS. While Mr. Cooper is hunting for that I would like to ask you, did I understand you to say you never sent this printed card to anybody but a client of yours?

A. That is from our office, and I assume that the gentleman is a client of ours.

Q. But I understand you did not send the card as an electioneering scheme to get cases?—A. Oh, no.

Q. But just to the parties who were clients of yours?—A. He had already written to us about the case. That was a rule of the office.

(Here the witness read the letter sent by him to Gen. Raum; see same in Gen. Raum's testimony.)

Mr. SAWYER. You speak in that letter, referring to a conversation you had with Mr. Raum. Is that the conversation to which you have just referred in your testimony?

A. Yes, sir; it is.

By Mr. COOPER:

Q. After reading the letter you may state whether the creation of the order of completed files, under orders 149 and 151, is a substantial compliance with your request as expressed in that letter and in your previous conversation?—A. I so understand it.

Q. Order 149, the one which prepares the way in the office, and order 151, which authorizes the attorneys to take up these completed cases, are substantially a compliance with your request in that letter and in your conversation?—A. I should say so.

Q. I will ask you to state——A. I think the general has said that he had been interviewed before about this by some one else.

Q. You need not state what he said.—A. I fancy that is a substantial compliance.

Q. When did he first talk about his wanting some assistance from you?—A. Well, we had two or three conversations. One, I remember, was about January. It strikes me there were some previous to that time, but I remember there was one in January.

Q. Previous to that time. When was the first?—A. It may have been a year before or six months. I could not state positively whether it was or was not. He spoke of certain things; I do not recollect the conversation very fully.

Q. He said that he would probably want money. Did he want the money then, or what did he say about it?—A. As I recollect, he said he had some property there, and if he had the money he could go on with it, or something to that effect.

Q. You did not let him have any at that time?—A. No.

Mr. SAWYER. Had you seen the mines?—A. No, I had never seen the mines.

By Mr. COOPER:

Q. Did you inquire into its value?—A. No, sir.

Q. Did you talk to anyone about that?—A. No, sir.

Q. You stated you knew from his bank account and the bank book that his credit was good, and you also stated there were a number of persons who indorsed for him. Did you ever see a note in there indorsed by anybody for him?—A. I have.

Mr. WILSON. We have no objection to bringing it out, if Mr. Cooper insists upon it

The WITNESS. They are distinguished men and of the highest character.

Mr. RAUM. I object to having my private affairs brought into this.

The CHAIRMAN. I certainly think that is going away beyond what is necessary.

By Mr. COOPER:

Q. When did he next approach you for money after this interview of which you speak?—A. I think it was about January.

Q. When you made your request, both in the conversation which you have detailed and by letter, did you receive any answer to that?—A. Any official communication?

Q. Yes.—A. I do not think I did.

Q. Did you find out what his determination was upon the subject?—A. I do not think our office knew about it until several days after it was issued. The first knowledge we had of the action taken was of the issuance of this order.

Q. I am not talking about that. Did he give you any answer to your letter in which you asked that this order for completed files should be established?—A. I do not recollect that I ever had an answer to that letter.

Q. Did you have any conversation in regard to it?—A. Not after that.

Q. I will refresh your recollection, and will ask if you do not remember going into the office sometime after that and learning his determination in regard to this matter, when Col. Lincoln, the second deputy commissioner, came in and disclosed a letter which he had written to the Commissioner in consequence of that request, and did he not read it to you in the presence of the Commissioner?—A. Yes, I remember it. What is the date of my letter there?

Q. The 16th of November.—A. Yes, I remember such an interview.

Q. Do you remember having that letter read to you?—A. Yes.

Q. That letter was a refusal of your request, was it not?—A. I do not know that the letter was read to me, but I know that Lincoln had decided against it, and I thought his answer was not relevant because he had clearly got the wrong impression in regard to my letter, and seemed to regard it as applicable simply to my business.

Q. Is that your recollection, that he thought your letter was applicable to your business only?—A. Yes, sir; and that the whole of the office would have to go to work on my cases, and that was not what I intended at all.

Q. This is the letter. I want to call your attention particularly to this letter.—A. What is the date of it?

Q. November 29. [Mr. Cooper here read a portion of the letter; see same filed as exhibit in Gen. Raum's testimony.] Do you remember that letter?—A. I do not think that letter was read to me, although it may have been.

Mr. SAWYER. Is there any value in that?

Mr. COOPER. He wanted it read.

The WITNESS. I do not recollect that it was read to me.

Mr. COOPER. I will read on until I reach the point where you may determine whether it was read to you or not. [Mr. Cooper read the letter still further.] (To the witness.) Do you remember that?

A. No; I do not recollect that letter.

Q. Do you recollect being present at any time when Mr. Lincoln and Gen. Raum were also present, and the matter was discussed and your request was denied?—A. Yes.

Q. And you do not remember the letter was read?—A. No; I do not remember it.
Q. But reasons were assigned?—A. My recollection is Gen. Raum said he had referred it to the Deputy Commissioner, and that he had objected to it, and in those objections he concurred. That is my recollection.

By Mr. LEWIS:

Q. You stated just now that it occurred to you on that occasion that Lincoln was under the wrong impression in regard to the application of this order and thought it would be exclusively or solely for your benefit, and you also state that you did not hear the letter read. Now, how did you receive the impression that Lincoln had that view of it without reading that letter, and without knowing the contents of it?—A. That is just an impression in my mind that that was the fact.
Q. Did Gen. Raum explain to you the tenor of the letter on that occasion or the substance of it; did you understand it?—A. He may have. I do not recollect it, but I remember something was said about it might give me advantages—I am merely speaking from recollection—and I stated I could not see how or in what manner it would be any favoritism to me, because I wanted it to apply to the whole office.
Q. Was that impression conveyed to you by Gen. Raum or by the letter?—A. I do not recollect. It is my recollection that it was in the conversation.
Q. Your recollection is not distinct whether you heard the letter read and you do not say you did not hear it?—A. No, I will not say I did not, but if it was read to me I have forgotten it.

By Mr. COOPER:

Q. Do you recollect the fact of having had a conversation with Gen. Raum in which he told you he could not do this thing you had requested?—A. I do not think so—let me look at that letter again. I think there was a subsequent letter to that.
Mr. COOPER. If there were two letters I do not know it; I have not seen it.
The call of the House was here announced and the committee adjourned for thirty minutes.

AFTER THE RECESS.

Mr. COOPER (to the stenographer). Will you please read my last question?
The stenographer read as follows:
"Do you recollect the fact of having had a conversation with Gen. Raum in which he told you he could not do this thing you had requested?"
Mr. COOPER (to the witness). Have you refreshed your recollection as to that?
A. No, I do not think the general ever told me he could not do that. I think, as far as my recollection goes, that it was still to be considered, because that letter I have an indistinct recollection about and some conversation which took place between Mr. Lincoln, Commissioner Raum, and myself, and I remember I took the ground that he was all off on his letter and that I never intended, and did not intend, and did not expect anything to apply to my office that did not apply to the whole service.
Q. And yet you say you have no recollection of that letter which you say now he was all off on?—A. I do not recollect that particular letter. I have read it over.
Q. Then you at no time abandoned the effort to get this thing done, the order established?—A. No.
Q. And you still, after you had the conversation with Gen. Raum and Mr. Lincoln, insisted upon it?—A. Yes, sir; and I contested his position, whatever it was. I remember we had quite an animated conversation about it in which I took the ground that I did not want it to apply to my office only, but as a rule of action of the office.
Q. Did you continue after that to insist upon it? Anything further? Do you remember any subsequent conversation between you and General Raum on the subject?—A. No, I think that the next thing was the order issued.
Mr. COOPER. The date of this letter of Commissioner Lincoln is the 29th day of November.
The CHAIRMAN. What is the date on which the order was issued?
Mr. COOPER. There were two orders. One was issued the latter part of December and the other on the 6th day of January. Now, from the 29th of November, do you remember having any subsequent conversation on this subject?
A. No, I do not. I can not remember those dates, and it has been a long time ago, but undoubtedly that must have been referred to when I called at the office.
Q. And your recolletion is you continued to insist upon it?—A. Certainly.
Q. You never abandoned your ground, but still pushed it each time you had an opportunity to present it?—A. Yes, sir; and still defended the action.
Q. You made frequent calls at the office, did you not, in person?—A. Not very frequent. I do not suppose I went there over two or three time in that period.
Q. Which period do you refer to?—A. November to January.

Q. The 29th and the 16th?—A. Along there; sometimes a month passes and I do not stop there, but I fancy I may have seen him two or three times. My recollection is indefinite, however.

Q. When he made the request of you for the money, or for the indorsement upon which he was to get the money, did you immediately comply the very day he made the request?—A. Immediately.

Q. Yes?—A. Yes, sir.

Q. That request was not made more than once, was it?—A. Not to my recollection, unless at some previous time. I think coming from New York I had a talk with him about that; have been trying to refresh my memory, but I can not remember the date, but it was some months before that; I do not know how long. He got the money, as I have already stated it here, and stated that, at that time, he had a chance of making a fortune.

Q. Where did that conversation take place?—A. Well, I could not tell you whether that was at the Shoreham or at the Pension Office.

Q. Do you have a recollection of meeting him at the Shoreham?—A. I think that was at the Pension Office. Well, I can not say in regard to that, but I said to him, "If you will meet me at the Bank of the Republic I will introduce you to the president of the bank and indorse your paper."

Q. What time in the day was that?—A. I could not tell you, but it was in bank hours.

Q. Which, now, is the best of your recollection, whether you saw him at the Pension Office or at the Shoreham?—A. I think it was at the Pension Office, but it may have been on the streets; I really do not recollect where that conversation occurred; it is so long ago, and I see a good many people in the course of a day.

Q. Do you remember of having a conversation of any extended length?—A. No, not on that subject; it would not be but a very short time.

Q. Did not he tell you about his enterprise in Virginia?—A. Yes; he told me just as I have declared here, and I think I have given the conversation. It was that he had secured some valuable property in Virginia and had options on land adjoining it, and with that and certain other things he had an opportunity to make a fortune, and all he needed was some money for a very brief period of time. That is the only thing I can recollect that occurred at that time; that is the substance of it.

Q. Do you remember whether anybody was present when the conversation took place?—A. I do not think anybody was, though if it occurred in the street, in my carriage, or something of that kind, there may have been; I could not tell.

Q. Have you any recollection of it having occurred in your carriage on the street?—A. We often passed on the street, but I really can not recollect where that occurred, but my impression is I was at his office on business and he spoke about that.

Q. Do you remember going into his private office in the Pension Office and talking about it in there?—A. Yes; he was often in there when I went there.

Q. But do you remember going in there and talking in there about this matter?—A. Oh, no; I do not recollect that. I remember that we made an engagement wherever we were, and I said to him, "I will meet you at the Bank of the Republic and introduce you to the president and indorse your note."

Q. (To the chairman.) Will you allow me, in this connection, to ask Mr. Raum about that?

The CHAIRMAN. Certainly.

Mr. COOPER (to Mr. Raum). Where did this conversation take place?

Mr. RAUM. It occurred at the Pension Office.

Q. Who was present?—A. Well, I do not recollect that any one was present, but it occurred in my private room.

Q. Was it on the 6th day of January?—A. No, sir.

Q. When was it?—A. On the 7th.

The WITNESS. It was on the same day, the date of the note, because it was a simultaneous thing. I recollect I said to him that I would meet him at the Bank of the Republic and introduce him to the president and indorse his note.

Q. Now, you had been pressing upon him the adoption of an administrative feature of the Bureau which you thought would be advantageous to the business of the Bureau?—A. Yes.

Q. You were an attorney practicing before that Department?—A. I was.

Q. You had gone there to present matters connected with the administration of the Department every day, did you not?—A. Either personally or through my representative; yes.

Q. You have not less than three of your number of clerks detailed to be in attendance at the Pension Office each day when the doors are opened for attorneys?—A. I have but one.

Q. Are not there others?—A. Oh, occasionally, but very rarely, and not in the way you have mentioned. I think this one goes there generally about half-past 11 if any special case comes up.

Q. Do not any other employés of your office except this one go there?—A. Not in the sense in which you speak. Occasionally some important question comes up, a member of Congress calls up a case or somebody——

Q. The one you speak of, who is that?—A. Mr. Baxter is the gentleman's name.

Q. Does not Mr. Tanner go there?—A. On special occasions—occasionally.

Q. Who else besides that goes?—A. There have been three or four. Sometimes Mr. Mulligan goes.

Q. Questions are being presented to the Department in such a variety and in such numbers that you required the attendance of these gentlemen occasionally in the Department, sometimes all three and sometimes one, all the time?—A. Possibly. Possibly at times three clerks might be attending there. A good many people come here to get their claims settled and have not got money to get out of town——

Q. Now, I want you to state, as the honorable gentleman you claim to be——

The WITNESS (continuing). In that way they come on here, and they are very poor and they have to have their claims put through; and where there is some great necessity, where claimants are very ill, in great distress, that is the only class I authorize to be taken up in that way.

Q. Now I will ask you to state if you did not see anything indelicate or improper in going upon the note under the circumstances, considering the relation you bore to the Department?—A. Not at all.

Q. It did not occur to you that that was improper?—A. Not at all; if it had I should not have done it.

Q. Did not you know that President Arthur removed Judge Hoover from the supreme bench of the Territory of Arizona because he borrowed money from a litigant before his court?—A. No. If I knew it it has passed from my recollection.

Q. And it did not occur to you that it was improper or indelicate in making this application to you in this manner?—A. No.

Q. It does not yet occur to you?—A. No.

Q. When you left America for Europe on your trip you knew of the pendency of these charges?—A. Yes, sir.

Mr. SAWYER. What do you mean by that question?

The WITNESS. No, they were not in that shape. The investigation had not been ordered. The resolution had been introduced, but I have been here long enough to know that it does not always follow that an investigation is had. It had been pending for a long time and I am very sure that I saw the announcement in the newspapers that it was abandoned, and then I was very unwell and the season was fearfully hot, so I left the country.

Q. When you left was it not your intention to return in time for the encampment of the Grand Army of the Republic at Boston?—A. Well, I have always wanted to attend that.

Q. Did you not leave that word with your employés that you would return in time for that?—A. I might; it was very uncertain, but I did not intend to return if the heated weather continued. The papers announced over there that the heat was intense here and, as I was not well, I remained; but as soon as I heard that this investigation was going on, and it was necessary or advisable for me to be here, I started right home.

Q. You testified that you thought it is good policy for the Department to accept the statement of an attorney that his case is complete and upon his statement to advance it to immediate consideration?—A. To put it upon the completed files and there take it up in its order.

Q. By the order in which it goes on the completed file?—A. Whether it be by an attorney or the claimant himself.

Q. And whether complete or not?—A. That is not the question.

Q. When it is certified to the completed file the practical operation is to take it up and examine and forward it, whether it is found to be complete or not?—A. Not at all.

Q. Do they not notify the claimants and attorneys of the condition of a case and request the necessary evidence to make it complete?—A. I think that is the practice.

Q. Is not that advancing it?—A. I do not see that it would be in any improper way.

Q. I am not asking that, but would not that advance the case?—A. Why, certainly it would advance it.

Q. Then your view is, it expedites the business of the Department to take up cases that attorneys certify are complete, regardless of the question of whether they are or not?—A. I do not say anything of the kind. I say this—I see what you are thinking of, and I will be glad to make it plain to you—the clerk should call on the attorney or claimant for the entire requirement in the pension case, and the attorney has the right to assume, when that call is made, that it is the full requirement of the office, and therefore the attorney or claimant goes on and gets up evidence to satisfy that

call. Now, he has a right to assume that, and if the office has done its duty it will complete the claim; but when it is filed some disability may have been overlooked, and upon a reëxamination of that claim other testimony may be required. It would clearly be improper to take this case up unless that is complied with, and when the evidence is all in, so far as the attorney and claimant are concerned, it is ready for trial. I say, then, that is a wise rule, and it is in the condition of a trial docket at law.

By Mr. LEWIS:

Q. Had General Raum, at any time anterior to this, ever asked you for your indorsement on his paper?—A. Anterior to this?

Q. To this 7th day of January; did he ever ask you for an indorsement before this?—A. We certainly had not had any conversation about this matter for six months.

Q. But at any time before this did he ask you to indorse paper for him?—A. At the time I speak about this, I can not recollect whether he wanted to raise money or wanted get me interested in an enterprise as a purchaser of stock. It has not made any impression upon my mind.

Q. Do you remember whether or not he ever asked you to indorse his paper before this?—A. I really can not tell you Whether it was to raise money or to get me to buy stock——

Q. I do not mean that, but did you ever ask a favor of that kind before?—A. I do not know in what form that was; in what form he wanted to raise the money, whether by indorsement, a loan to him, or by a purchase of stock. I did not care to go into it and I did not.

Q. Did he ever ask this favor before that time, on any occasion, to get you to indorse his paper?—A. Not that I recollect.

Mr. SAWYER. Aside from that time?

A. Whatever the form the conversation took at that time I can not recollect.

Mr. LEWIS. Are you sure he never on any occasion, except the one to which you have alluded, asked you to indorse his paper?

A. Well, I would not like to say he did not. I know he wanted to raise money then.

Mr. SAWYER. Independent of your talk, in regard to which you have no distinct recollection, did he ever say anything to you about indorsing his paper at all?

A. No; he did not.

By Mr. LEWIS:

Q. Never until then did he ask you to indorse his paper for any purpose?—A. No.

Q. When he asked you to indorse his paper on this occasion, did you exact any security, or did he voluntarily offer anything to hold you sure against the contingency of a loss?—A. He voluntarily offered to give a thousand shares of the stock in his company.

Q. As security?—A. As security.

Q. Did you make this indorsement on the faith of that security?—A. No, sir; on the faith I had in the man. He stated to me it was very valuable. I did not look into it. I believe that General Raum would not deceive me at all and make a statement that was untrue. I did not know personally the value of that stock. He said it was very valuable, and I took his word for it.

Q. Did you accept it as security?—A. I did, and it is in my safe.

Q. Why did you accept this security if you made the indorsement on his standing and character as a man?—A. He just made it out and handed it to me, that is all. He offered it to me and I took it, and it is usual to take all the collateral that is offered.

Q. Did you put any estimate on this paper he gave you as collateral security?—A. Nothing only from his word in the case. I regarded General Raum as perfectly good for the paper before he gave it to me.

Q. In other words, you would have indorsed his paper without this if he had asked you?—A. Yes, sir; I would have if he had not done it, but he offered it and I took it. I think I would have done it just as quickly upon the faith I had in him and upon the reputation he had.

Q. You regarded that as a sound business transaction?—A. Certainly I did.

Q. You took papers the value of which you did not know as collateral security?—A. As I have explained to you, as a director in one of the banks, his paper was coming in, and the men who indorsed it for him were of the highest character and millionaires.

Q. You stated you would have indorsed his paper without this collateral security?—A. I think I would.

Q. Are you in the habit of indorsing paper for anybody without collateral security?—A. Yes, indeed.

Q. You are in that habit?—A. Not in the habit. I do not go out looking for such opportunities, but I have done it. About this very time I indorsed for another party in this city to help him along.

Q. When did he offer you this security; when you indorsed for the $2,000 or the $10,000?—A. For the $10,000.

Q. He did not mention it when you indorsed for the $2,000?—A. No, sir.

Q. And he mentioned it without your raising the question of security when he asked you to indorse the note for $10,000?—A. Yes, sir; he just said he would give me a block of this stock as collateral.

Q. You regarded this stock as valuable?—A. Certainly, because he said it was.

Q. Did you place any particular estimate on it?—A. No. He said it was valuable and worth the money and a good deal more, and I took it.

Q. But you did not place any estimate upon it yourself?—A. No, I did not estimate its value at all.

Q. You regarded this as good security for this amount?—A. I did not examine the stock or examine into its value. It was intended by me merely to be held about three months, and that was the representation and expectation, I believe, of Gen. Raum when he asked me to indorse his paper.

Q. This order (No. 151) was issued on the 6th day of January?—A. That is the date, I think.

Q. And you went on the paper the 7th day of January?—A. It appears from an examination of the record.

Q. Did you know of the issuance of the order before you went on his paper?—A. No; I did not. I do not think I knew of it for a week or ten days after.

Q. Had you had any assurances that it would be issued?—A. Not direct or indirect.

Q. Had you any good reason to believe that it would be issued?—A. Nothing at all, except its merits. I had no intimation from anybody, except my confidence in the merit of the rule that I was trying to get.

Q. It was simply a coincidence, the issuance of the order and the indorsation of the paper?—A. Entirely. There was no communication nor any promising, nor was the matter ever a subject of conversation between us that for any consideration, the indorsement of paper or any other, that he should advance my claims, nor that in any way would it be of benefit to me.

Q. And you stated that you needed no further inducement to indorse his paper than his statement that this security was all right and the additional fact that you knew him to be a man of good commercial standing?—A. Yes, sir; a good, reputable man.

By Mr. COOPER:

Q. You testified before adjournment that after you had been notified by Mr. Lincoln and Gen. Raum in consultation, that they could not comply with your request, that you still continued to prefer the request?—A. I beg your pardon. I think I stated before that Mr. Raum did not give me an absolute answer that he would not do it, but he sent for Mr. Lincoln and then the conversation occurred. Mr. Lincoln took the ground against it, but I do not recollect that Commissioner Raum did. The matter seemed to be under advisement with him, or rather under consideration.

Q. You do not remember at the time the Lincoln interview was had that a positive refusal to your request was agreed upon, do you?—A. Not as a finality.

Q. Gen. Raum still held out hope to you that he might reverse that?—A. Not in that light. It was not communicated to me nor did I get the impression that it was a finality. It was my intention to take it to a higher authority in case I did not get action there.

Q. But you did not find it necessary to do that?—A. No.

Q. You succeeded with Gen. Raum?—A. As the order shows. I do not know that I succeeded or whether any other persons talked with him in regard to it.

Q. But it was done in line with your request. It was in compliance with your request?—A. I do not know.

Q. At least you requested it and it was done?—A. Yes, but whether there were others or not I do not know, I suppose there may have been, who made a like request. I do not know whether there were or not.

Q. Now, as I understand you, you have stated you thought it would expedite the general business of the Department if the Bureau would adopt the rule which you requested and which was adopted?—A. Yes, sir.

Q. I will ask you to state if you think it is safer for the business of that Bureau and better for it to take a statement of an attorney as to the condition of a case or to take the statement of the adjudicating clerk of the division as to the condition of the case for action?—A. Well, I have not implied any such thing as that. It is safe to take attorneys in good standing before the office; it is certainly sufficient to take his statement to get it before that clerk.

Q. Was it not the practice before this order was entered upon that it was already before the clerk all the time for his action upon it?—A. No, only two or three months, I fancy, along about April, sometimes earlier and sometimes later.

Q. Was it not the duty of the clerk to withdraw these cases from the pending files as fast as the requirements of the Department were complied with and to forward them to the board of review?—A. I do not understand it was, except in the time stated.

Q. How did you get them advanced from the pending files to the board of review if not in that way?—A. Of course you can find out more directly from clerks in the Pension Office than from myself, but my impression is that they were called out by clerks who have those certain cases. They are going over the files as they do every little while, but understand me, as to April and May. I understand the order had been heretofore to do substantially like this, to go through and hunt for these completed claims with a view to closing out at the end of the fiscal year all completed claims in the Office.

Q. I will ask your attention to this:

"I find that by a system of slips kept by the file clerks in each of the adjudicating divisions, each examiner is advised when testimony is filed in cases under his charge, and the cases in which evidence has been longest filed are first considered. I learn, too, that as the examiner's record for efficiency has been based upon the number of claims submitted by him for allowances; he is constantly keeping a lookout for such of his cases as have had the required evidence furnished, and that as a rule the claims are drawn from the files within a reasonable time after the evidence is furnished, and adjudicated, if complete."

Do you know whether that was the practice or not?—A. Now, you see you are asking me questions about the existence of rules of the office that I could not be expected to be very familiar with.

Q. But you have assumed to know so much as to be able to formulate a policy?—A. Wait a minute; I do know—ask your question again.

Q. I asked you to state whether that practice here set forth in the extract which I read from Mr. Lincoln's letter, obtained before your scheme was adopted and put into operation.—A. It could not have obtained for uniform practice of the office, because if it had it would be unnecessary; there would not be any completed cases outside of the completed file if they were before the board of review, and I certainly knew from the fact that in my files I would find cases completed for months, probably six or eight months, which I had not heard from, and while that may have been a rule, my cases did not come in there until they were called up.

Q. At this point, to refresh your recollection about what took place between you and Gen. Raum, do not you remember when you submitted this letter which you have read here that you took 30 slips representing 30 of your cases and asked to have them examined?—A. Certainly; I remember that distinctly.

Q. Now, on the occasion to which I have been endeavoring to attract your attention, when Gen. Raum and you discussed the matter, do you not remember Mr. Lincoln told you and read from the letter in regard to the 30 cases selected by you, test cases, that 6 were before the board of review, and 9 were completed ready to go before the board of review, and 15 were lacking in some of the requirements?—A. At the proper time—I have not got the data with me—I would like to make a report in regard to this. Fifteen of these, which were considered as incomplete—we claimed that a good many of these were complete, and they were subsequently admitted to be complete, in addition to the 9 and 6, and the mere fact that the 9 were ready to go before the board of review and had not got into the board of review shows there had not been up to that date the practice to which you refer, or if it had been ordered, the clerks had not found these 9.

Mr. WILSON. Mr. Tabor has these 30 slips and will tell you all about them.

Q. Then your substitution for the practice in the office was to allow the attorney to call the cases out of the pending files instead of waiting for the clerks to develop them? Is not that in operation?—A. The attorneys or claimants.

Q. That he may avail himself of this order and call them out of the pending files, instead of waiting until it is done by the Department, under a written order?—A. Yes, sir.

By the CHAIRMAN:

Q. But before that was done did not the clerk put them upon the completed file, did not Order 149 precede 151?

Mr. COOPER. My question related to the condition prior to that time.

The CHAIRMAN. I wanted to get at the facts of the case.

The WITNESS. I am now answering in regard to the condition of things which existed prior to the issuing of either of these orders.

By Mr. COOPER:

Q. Now I will ask you to state whether an attorney can himself always tell when they are completed?—A. I will state that he can not. There may be circumstances connected with it which he can not know.

Q. It may appear to look complete when in fact it is not complete?—A. For the reasons I have stated already in my testimony. He may have furnished all the evidence that may be required in the case.

Q. Suppose that you and I have each a thousand cases, and suppose you certify—being careful and endeavoring to treat the Department fairly—suppose you certify one hundred of your cases were complete, and suppose I should certify that five hundred of mine were complete, when in fact no more of mine were complete than yours. Is not the effect of it the office would be compelled to take up my five hundred cases and examine them, and if they were defective to notify me in what way they were defective, so that I could thereby make them complete, and in that way would I not receive four times the advantage?—A. I would like to answer that question. Do not you see that before you had gottenyour five hundred answered, by the time you probably put in fifty, the ratio of incomplete cases would be so apparent that they would see that advantage was being taken of the Department and you would perhaps receive a letter correcting it and telling you that a practice of that kind could not continue in the office. As you see, it would not be an honorable compliance with order 151.

Q. Did you ever receive such communication as that?—A. No, sir; I never have.

Q. Do you know what per cent of the cases you have sent have been found to be incomplete?—A. As I told you, up to September the 30th we had 5,000 claims that were not allowed, but these claims would remain in my completed file, and there may not be but a few hundred of them in the Pension Office completed files for this reason; if upon taking the claims up they found—say the Surgeon-General's report was not in the file, or if they found the Surgeon-General did not send a proper certificate, it would go back to the general file.

Q. You do not know from the Pension Office what percentage of your cases are incomplete which you have certified to be complete?—A. No; I can not tell you. I think I have made that plain if I am not mistaken. I want to say in regard to the Commissioner's completed files and mine, that there would be a discrepancy, because I keep them until they are allowed or rejected, whereas in his completed files if anything was required from any other Department it would go back on the regular files of the office because it was not, from the standpoint of the office, what is known as a completed case.

Q. What is your understanding of the effect upon cases not upon the completed files?—A. I think its effect is very beneficial.

Q. On those not upon the completed files?—A. Yes, sir; it encourages everybody to come in and complete their cases.

Q. Has a case ever reached the adjudicating division which has not once been put upon the completed files? Must they not go through there first? In other words, take your illustration awhile ago. Must not a case be first put upon the trial docket?—A. I should suppose they would have to go through the completed files.

Q. Then if an attorney does not avail himself of order 151 to get his case upon the completed files it will not be reached?—A. Yes.

Q. How?—A. Because I understand—of course all these things asked me you had better ascertain from clerks in the office—as I understand it, that case would go back to the regular file with a little slip stating what was lacking. Of course the file-clerk would examine the additional evidence, and if it shall appear to answer that last call, of course the file clerk would then send it to the completed file. I assume that that would be the practice whether the attorney called it up or not.

Q. Do I understand you to say that the cases are put upon the completed files now by the adjudicating clerk without reference to whether an attorney asks it or not?—A. Certainly.

Q. Do you know of any practice of that kind in the office?—A. I can not think but what that is so.

Q. How does it get there?—A. Of course, as I said before, this is my understanding of it, you can get it right from the Pension Office, but I understand when this piece of evidence comes in which complies with the last call that it would have to go to the completed files and I should say that in the natural course it would be put there.

Mr. SAWYER. I understood Mr. Raum to say that certain days of the week were given to an examination of cases not on the completed files?

Mr. COOPER. One day in the week.

Mr. SAWYER. I understood that the clerks were sent down to this general reservoir and they drew out cases and put so many cases on the clerk's desk; and the clerk examined it then to see whether the case is complete. If it is not complete I understand the clerk to give notice to the attorney or claimant. If it is completed and

ready for adjudication I suppose it goes on the completed list and the attorney or claimant is not told a word about it. That is the way I understood Mr. Raum's testimony.

Mr. COOPER. You understand it, but I want to find out how he understands it. I want to get at his knowledge of the facts.

By Mr. SAWYER:

Q. Do you examine to find out how many of the 36,000 cases at the office selected to be placed upon the completed list were your cases?—A. I have tried to find out in every way I could, but I can not ascertain it.

Q. What is the result, as near as you can ascertain?—A. I do not think we have received over 2,500.

Q. Now, as I understand, from what Mr. Cooper says, there were 8,110 cases of yours placed upon the completed list by your request made upon slips?—A. How does he get any such figures?

The CHAIRMAN. He got it from the statement of one of the clerks here.

By Mr. SAWYER:

Q. And that is independent of the 36,000 cases?—A. I see what you are trying to get at, and I would like to make it plain to you and to myself. The office could not have sent me notifications in all of the cases which were put upon the completed files in which I was the attorney in these 36,000 cases——

Q. Let us drop this out?—A. I will tell you this; it is very probable, and I think it is the fact, that a large number of those 36,000 were in the completed files and I had not been notified of it; so when my call reached the claim it was found to relate to one already in the completed 36,000, so there seems to be no way I can answer the question and ascertain how many of the 36,000 I got.

Q. Is it probable that at any one time, saying nothing about this 36,000, they had over 8,000 of your cases called up on slips at one time?—A. I do not think in the aggregate all told we had over nine or ten thousand, including my call-up slips and those already made complete by the office.

Mr. COOPER (to Mr. Sawyer). Do you understand how the 8,110 were put upon the completed file?

Mr. SAWYER. No; I do not.

Mr. COOPER. It has been testified that there were 8,110 cases of Mr. Lemon's put upon the completed files upon request.

The CHAIRMAN. During what time?

Mr. COOPER. From February 3, the beginning of the work under this order, up to the 31st of August. I believe that is right and that covers the entire period.

Mr. LEMON. My clerks would be looking after completed claims at the same time clerks in the Pension Office make the selection, so when my slips went up they could get on the completed cases.

Mr RAUM. I will set you right on that. Under order of December 23 these selections were made in about three or four days and then the work of notification began, and while the order of January 6 had been prepared it was not dated until after these notifications were sent out, and your requests to have cases placed on the completed file began some weeks after that order was issued, so there could not be any clash between those you were notified in regard to and those you applied yourself to have placed on the completed file.

Mr. LEWIS. So the 36,000 contained none of the 8,110?

The WITNESS. I do not know what he has calculated there.

Mr. COOPER. I want to ask Mr. Bailey to make that clear. (To Mr. Bailey.) Can you state from your observation what per cent of the general business of the office belonged to Mr. Lemon?

Mr. BAILEY. I can not. It is a mere matter of rumor; that is all.

Q. I will ask you if it is not an estimate and understanding in the office that about one-seventh of the business of the country comes through Mr. Lemon?

Mr. BAILEY. I never heard any such estimate. I only heard that he had more than twice as much as any other attorney.

Q. You never heard it stated that he had one-seventh of the whole business?

Mr. BAILEY. No, sir.

Q. With reference to what the gentlemen has just testified to, the 8,110 did not embrace any part of the 36,000 put on by the office?

Mr. BAILEY. I think it is very probable they did.

Q. How many, and how do you know it, and why do you think so?

Mr. BAILEY. From the very reason Mr. Lemon gives. Under that order he undertook to look over his files and certified to the office such cases as were complete.

Q. Did not you begin in December, and did not you notify him of cases put on under General Order 149?

Mr. BAILEY. I think not; no, sir.

Q. Did not you notify claimant of cases on the completed file?
Mr. SAWYER. When did he commence filing these 8,110?
Mr. BAILEY. February 3.
Q. That was after order 151 had been issued?
Mr. BAILEY. Yes, sir.
Q. Then Mr. Lemon commenced filing. Now, as I understand you, you can not tell and never have looked to see whether the cases of Mr. Lemon that went in the 36,000 cases selected included any of the 8,110 or not.
Mr. BAILEY. No, sir.
Q. Without taking each individual case?
Mr. BAILEY. That is the only way.
Q. So you could not say positively that he had cases that were put on that 8,110, in addition to that?
Mr. BAILEY. No, sir.
Q. But that the 8,110 cases includes all the cases that he had filed from the time that that order 151 was made until the last day——
Mr. BAILEY. At the time I made my statement here; the last day of August.
Q. And including the last day of August?
Mr. BAILEY. I testified here, I think, about the 23d. He has filed a number since that time.
Q. But until the time stated by you?
Mr. BAILEY. Yes, sir.

By Mr. LEWIS:

Q. The 8,110 cases put on the completed files were cases prepared by you subsequent to this order 151, were they not?
The WITNESS. Did I understand you to say that the record showed I had sent in 8,110 cases?
Q. Yes, sir; after the 3d day of February.
Here the committee adjourned for twenty minutes to answer a call of the House.

By Mr. LEWIS:

Q. Were not they separate claims you prepared after the 3d day of February?
The WITNESS. These calls were cases that were called up after the date of the issuance of the order.
Q. And they were not in the Pension Office anterior to this time, were they?—A. Yes. That is what I have explained before, or rather tried to explain. I presume that many of these slips went into the office and were applied to cases which had been made complete under the call of the 36,000, you see.
Q. Yes; I wanted to know.
The WITNESS. You wanted to find out whether any of the 36,000 claims were in there. I can not tell you, but it is my impression that a good many of those cases must have reached——
Q. You do not say certainly that any of the 36,000 were included in the 8,110?—A. No, I can not; but this may give you some light. This is certain: The total number of allowances, as I explained here, during that period from January to July 31, were 6,689. The number of cases remaining on the completed file February 1, 1880, was 5,473; hence the call subsequent thereto could not have exceeded those two numbers, 12,162.
Q. Yes, that is good arithmetic, I think.—A. There are 6,689 claims and 5,473 on the completed file——
The CHAIRMAN. Does that throw any light? Here are 6,000 cases allowed; you do not know how many of these are allowed without having been called up on the completed files?
The WITNESS. I merely say the total number did not reach that, because 6,689 were not all on the completed file, that they were allowed without reference to that.
Q. Were in the board of review?—A. Yes, sir; and never got into without they call the completed file, I hope I have made this matter plain.
Hereupon the committee adjourned until to-morrow morning at 10:30 o'clock.

WASHINGTON, D. C., *Tuesday, May 10, 1892.*

The committee met at 10:30 a. m. Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF L. M. KELLY.

L. M. KELLY sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. I have stated my name to the reporter; my residence is 3005 C street, NW.; my occupation at present is chief of the certificate division of the Pension Office.

Q. I want to ask you if you have had any trouble about promotions in your division since you have been connected with the Pension Office?—A. Well, I had a little misunderstanding or a little difficulty at one time. It was in May, the 1st of May, 1890, or about the 1st of May.

Q. State to the committee what that was and how it came up.—A. There was a young man in my division who came there about the 27th of March, 1890, assigned to my division, by the name of Tingwald, and he was given a position there and was a good clerk enough. About May 3 he was promoted from $1,000 to $1,200.

Mr. BROSIUS. You say in May?

A. Yes, sir; in 1890, the same year.

Mr. ENLOE. About two or three months after he went in the office?

A. Not quite two months; he came in March 27 and this was May 3.

By Mr. BAILEY:

Q. After he came to your division?—A. He came to my division the 27th of March and was promoted the 3d of May.

Q. Do you say he came in the office on the 27th of March?—A. He was assigned to my division. Wherever he came from I do not know; I am not posted. I am rather of the opinion he did not come from the Pension Office; still I do not know.

By Mr. ENLOE:

Q. Was that promotion made without your recommendation?—A. Yes, sir; I knew nothing of it until I saw it in the papers.

Q. Who made the promotion; upon whose recommendation?—A. Gen. Raum was not present and suppose I it was made by——

Mr. BROSIUS (interrupting). Mr. Chairman, is there any record of this promotion or this recommendation? I do not think it is fair to ask the witness to suppose any one recommended it when the record would show.

By Mr. ENLOE:

Q. I will ask you if Gen. Raum was in the city at the time the promotion was made?—A. No, sir; he was not.

Q. Whom did you understand was responsible for the promotion?

Mr. BROSIUS. I object.

Mr. ENLOE. I will ask you if you had any difficulty with Mr. Green B. Raum, jr., over that promotion?

A. Yes, sir; a little.

Q. State what that was.—A. He was somewhat provoked at the promotion being turned down by Gen. Bussey.

Q. Did you call Gen. Bussey's attention to it and get him to disapprove the recommendation for the promotion?—A. He revoked it.

The CHAIRMAN. At whose instance?

A. My statement, I suppose.

By Mr. ENLOE:

Q. Did that revocation stand?—A. He was reappointed.

Q. He was repromoted?—A. Yes, sir.

Mr. BAILEY. When?

Mr. ENLOE. Was Gen. Raum here when that was done?

A. No, sir; that was done the 7th day of May?

Q. Two days afterwards?—A. Yes, sir.

The CHAIRMAN. You mean two days after Gen. Bussey revoked the promotion?

A. Yes, sir.

By Mr. ENLOE:

Q. Did you talk to Gen. Raum about it when he came back?—A. We had a little talk about it, a very little talk about the matter; it was all pleasant, and the general seemed to regret that any feeling had been shown in the matter.

Q. The second repromotion was approved, was it?—A. I suppose it was; yes, sir; I think Col. Lincoln was Acting Commissioner at the time.

Q. Do you know whether that was approved by Gen. Bussey or not?—A. That I do not.

Q. What did the Commissioner say to you in regard to it when he spoke to you about it?—A. He said nothing, any more than he mentioned the fact that he hoped we could get along pleasantly together, meaning his son and me.

Q. Do you know what special relations, if any, existed between Green B. Raum, jr., and this man, that he should be interested in his promotion particularly?—A. No, sir; I do not.

Q. Don't know anything of that sort?—A. No, sir; I don't. In fact, I don't know who was pushing him, or anything of the kind.

Q. You are ordinarily consulted about promotions?—A. Yes, sir; I have been fairly treated otherwise.

Q. Do you keep any record in your office of the errors made in the issuance of certificates—clerical errors?—A. Yes, sir; I have since the new—well, I have, in fact, for a long, long time. I keep a list of the errors made.

Q. Suppose there is a typographical error made—a name misspelled or anything of that kind—does the certificate have to be returned before the pension is paid on it?—A. Yes, sir; it usually is.

Q. Have you kept a record of that correctly for the last six months?—A. In my division, you mean?

Q. Yes, sir.—A. I have kept a record of the errors made in my division. I keep a record as against the clerks, but could not give the number of the claim or the name of the claimant; I simply put down so many errors each day, and at the end of the month I make up the rat-

ing from the errors made and the number of cases they have attended to, giving the amount and per cent of the cases written each day by them.

Q. There is no means by which you could identify the cases in which errors have been made?—A. No, sir; I could not keep that; that would entail a great deal of extra work.

Q. Do you keep a record of those errors by the month?—A. Well, by days and months. The chiefs of the sections keep that by days usually and then they were put in the report at the end of the month—the errors that each clerk makes.

Q. Could you furnish a statement, a brief statement, showing the aggregate errors committed each month for the last six months?—A. I don't think I could for the last six months.

Q. Could you for the last three?—A. It might be possible and then I might not get them quite all. It is quite difficult. There are a good many errors that go to the agencies; those come back and we keep track of them as best we can—of the clerks that do that kind of work; I might not be able to furnish them all.

Q. Have there been any considerable number of errors committed in the issuance of certificates in the last few months?—A. Not so many as there used to be, from the fact that just before the certificates are mailed we review the certificates, the order to inscribe, and the Third Auditor's paper, and that corrects a great many. Of course the certificates—understand this: we do not make all the errors that are made in them. The brief sometimes is wrong, and everybody passes it, you know. You can do the best you can, but such errors will creep in. The brief is written by the adjudication division and passed upon by the board of review and the medical division and back again. Those errors are not kept; in fact, there is no record kept under any particular letter of the alphabet.

Q. There is no record of errors committed under any particular letter of the alphabet, not classified in that way?—A. No, sir; no names kept at all. The clerk makes an error, and it is put down against that clerk, and by doing that I think it has improved the service a great deal.

Q. There has been some complaint made about the number of errors that have been committed at some of the agencies in the country, and I wanted to get a certificate of the aggregate of the errors so far as you know?—A. Those errors are frequently made by the pensioners themselves. Not exactly made by him, but he will make it in this way: He will write his application in one town and before we know it he moves away from there and then the pension is allowed and the certificate is issued and mailed to the town he first stated where he lived when he made his application. The pension certificate and notice goes to the post-office and it will remain there for quite a little while and then it will be—the postmaster will notify the agency or some one, the agency probably, and the agent notifies us that the papers have been sent and not claimed. Then we have got to wait until we can hear from this man and know where he is. There are a good many of those coming in all the time.

By Mr. BROSIUS:

Q. I would like to ask you one or two questions. The clerical errors to which you have alluded are made, I suppose, by the clerks?—A. Yes, sir; by the clerks.

Q. Are these clerks appointed under the civil-service rules?—A. I

presume they are, most of them. I have not anybody in my division, except messengers, who are not.

Q. Is there a record of this promotion in relation to which you have been interrogated?—A. I suppose so.

Q. It contains all the facts?—A. I suppose it does; yes, sir.

Mr. BROSIUS (to Mr. Enloe). Mr. Enloe, have you that record?

A. I have not; and I have not seen it at all.

Mr. BROSIUS. Mr. Chairman, I think that record ought to be produced.

The CHAIRMAN. Very well, we will have the record produced.

TESTIMONY OF A. S. TABER.

A. S. TABER, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. My age is 46 years; my residence is 2132 L street NW. I have charge of Capt. Lemon's claim business and have for a number of years.

Q. Capt. George E. Lemon?—A. Yes, sir.

Q. Can you tell how many clerks who have formerly been employed by Capt. Lemon are now employed in the Pension Office as clerks?—A. I could not offhand. I would have to figure that up, because they left us quite frequently and applied for civil-service examination and got into the Pension Bureau. I could not tell you the number of them.

Q. Can you approximate the number?—A. Probably 20; maybe more. I know I can remember several, but there are more than I can remember, I think. I would have to look into the matter. I know all the names, and if you can call the names I can furnish the statement.

Q. Do you know anything about a man by the name of Thompson?—A. Yes, sir; W. B. Thompson.

Q. He is a clerk now in the Pension Office, and was formerly with Mr. Lemon?—A. Yes, sir.

Q. Do you know why he severed his connection with Mr. Lemon?—A. He resigned.

Q. What was the cause?—A. I suppose it was a simple resignation.

Q. Were there any charges affecting his integrity there at that time?—A. Not that I know of; no, sir. Mr. Lemon assured me at the time it was a resignation on his part. He concluded to dispense with his services, that is all.

Q. He did not tell you there was anything affecting his character in any way?—A. Nothing affecting his integrity.

The CHAIRMAN. Did Capt. Lemon tell you anything of that kind, is the question?

A. No, sir. He resigned, and then was reinstated under rule 10 of the civil service. Mr. Thompson informed me that he was endeavoring to get into the Pension Bureau, and that he succeeded I am quite well aware.

Q. Will you undertake to furnish the committee a list of those who have been in Mr. Lemon's employ and are now in the Pension Office?—A. I will endeavor to do so. I can recall quite a number of them, but can not give you the date when they entered the service, but can recall probably half a dozen or ten, maybe.

Q. I should prefer you would look up the record.—A. I will endeavor to do so.

Mr. BROSIUS. I understand you to say the clerks to whom you refer as having once been in the employ of Mr. Lemon, and subsequently became clerks in the Pension Office, were appointed to that office under the civil-service rules?

A. Every one of them, without exception.

The WITNESS. Mr. Enloe, when would you like that list?

Mr. ENLOE. As soon as you can send it up. You can mail it to the chairman.

The WITNESS. All right, I will do so.

The following letter and list is here offered in evidence:

WASHINGTON, D. C., *May 10th, 1892.*

Hon. H. H. WHEELER,
Chrm. Com. on Investigation Pension Bureau, House of Representatives.

SIR: In compliance with request of Hon. B. A. Enloe, and in connection with my testimony of this date, I have the honor to transmit herewith for the information of your committee a list showing names of former employés of this office who are now holding positions in the Pension Bureau.

This list covers a period of three years last past, prior to which no record was kept.

Very respectfully,

A. S. TABER.

List of clerks formerly employed in the office of Geo. E. Lemon, who are now employed in the Pension Bureau.

Theodore Tallmadge.	M. A. Watson.*	Peter W. Blazer.
Eustace De Putron.	Edson A. Fuller.	Francis A. Field*
James Crozier.	William Gray.	Lewis G. Huling, jr.*
John N. Welty.	M. B. C. Wright.	Wm. B. Thompson.*
Christian Exel.	Thos. H. McBride.*	Erastus C. Johnston.*

REMARKS.—In the cases of those marked with an (*) an interval elapsed between date of leaving the office of George E. Lemon and entry upon duty in the Pension Bureau.

Respectfully submitted.

A. S. TABER.

WASHINGTON, D. C., *May 10, 1892.*

O. P. HALLAM—Recalled.

By Mr. ENLOE:

Q. Mr. Hallam, will you look at those papers in the case of Frederick E. Sayres, and see whether or not it contains the special examiner's report referred to in this paper here [hands paper to witness]?—A. Well, sir; I do not know. It is not on file in the papers in my charge?

Q. You have charge of the personal files?—A. Yes, sir.

Q. That report should be in the personal files of Mr. Sayres?—A. I should judge that would be the proper place for it.

Q. You are not able to account for its absence?—A. No, sir; I looked for it in the files and also inquired of Miss Clum; she has one of the keys to the files and she told me she had not seen it. She did not know whether it was on file there or not. I might add in connection here that those reports were made to the chief of the special examiners, and I understood from inquiries there that it was not in the special examination division.

Mr. LITTLE. Is there any other place it should be kept?

A. No; I can not account for it unless it is mislaid or taken away by somebody. We keep them alphabetically.

By Mr. BROSIUS:

Q. You looked in the files where it is usually kept, you say?—A. Yes, sir.

Q. Well, supposing it had been taken out of the files for some purpose and on the desk of the Commissioner or some other man's desk, you did not look there or inquire there?—A. No, sir; I looked where they are usually kept.

Q. Papers are removed from the files sometimes and found elsewhere?—A. Yes, sir; quite often the case.

By Mr. ENLOE:

Q. I will ask you when you get back to the office to call on the Commissioner and see if he has got that on his desk, or anyone else has?—A. I don't know what Mr. Enloe——

Mr. BROSIUS. Mr. Chairman, I do not think the witness ought to be asked to do that. If there is a paper in the Pension Office which the committee desires, there is a right way to get it. The Commissioner of Pensions ought to be subpœnaed to produce it.

The WITNESS. I can explain that if you will allow me.

The CHAIRMAN. You may do so.

The WITNESS. I was going to say that all such papers called for by the committee I call on Mr. Raum before I furnish them at all, and I called on him in this case and he told me to hunt it up and I tried to find it and could not, and I think I sent word to Mr. Bailey yesterday that we could not find it.

By Mr. BAILEY:

Q. Have you ever seen the paper?—A. I don't remember. This is the only occasion I ever had to look for these papers.

Q. Has it ever been in your charge?—A. If it has been I don't know. It is not on file.

By Mr. LITTLE:

Q. If it had ever been on file would it show on the jacket?—A. No, sir; they usually file those special examiners' reports in connection with the papers; just put a rubber band round them.

Q. You spoke of this Miss—whatever her name was—who had a key. How are the papers kept?—A. Alphabetically filed.

Q. Are they under lock and key?—A. Yes, sir.

Q. How many keys?—A. Two.

Q. Only two?—A. Yes, sir.

Q. Then, if the Commissioner or anyone else took this paper they would have to ask the clerk who had the key?—A. Yes, sir.

Q. What is the custom, to leave a record?—A. It is usually the case if they left the office.

Q. Do you find any such record?—A. No, sir.

Q. As I understand you, yourself and a lady have charge of those keys?—A. I think two ladies have charge—Miss Lineaweaver and Miss Clum. They have the keys because they are continually filing papers.

Mr. ENLOE. I will ask you if this report, before this appointment division was established, if made before that time, if it would be with the chief of the special examination division or in his division?

Mr. BAILEY. He has only been in the office since last July, and this was before that.

By Mr. ENLOE:

Q. Didn't you say you went to see the chief of the special examination division to see if it was there?—A. We sent to him.

Q. Didn't you know before that appointment division was created that that was the proper place for it to have been, in his division?—A. I don't understand it that way. I understood they usually report to the special examination division and he usually has the files.

Q. That has been the case since you have been there?—A. Yes, sir.

Q. Before you went into the office who had charge of this file of papers?—A. Mr. Raum was my predecessor.

Q. Green B. Raum, jr.?—A. Yes, sir.

By Mr. BAILEY:

Q. When you spoke to Gen. Raum about these papers, will you repeat what he told you to do?—A. He told me to look them up and see if I could find them.

Q. They are properly in your custody?—A. I handed him Mr. Wilcox's letter, and he handed me back the letter and told me to try and find them.

The CHAIRMAN. And you mean to say that you were unable to find them?

A. Yes, sir.

TESTIMONY OF S. S. LINCOLN.

S. S. LINCOLN, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. Silas S. Lincoln; 66 years of age; residence, 701 Sixth street NW. I am employed in the Treasury Department.

Q. Have you ever been employed in the Pension Office?—A. I have. I went into the Pension Office the 1st day of January, 1876, and discharged therefrom the 18th day of May or June, 1886. I was there ten years.

Q. In what division were you employed in the Pension Office?—A. I was employed mostly in the record division. I think I was there something like six years in the record division.

Q. Did you serve under Mr. Ford while he was chief of the record division?—A. I served about three years and a half under Mr. Ford, I think.

Q. While you were serving under Mr. Ford did you ever report him for any of his acts to the Commissioner of Pensions, and if so, what?—A. No, sir; I never did. I reported him to the chief clerk.

Q. What for?—A. For what he would not do himself. It was in the case of the water cooler which stood out in the hall. In the summer time it was the habit of some of them to break off the ice in the water cooler and rinse it with their fingers in the water and put it in their glasses to make milk punches, put it in their milk, or ice their water, and such things. Frequently you would find in the mornings, or at least it was reported to me by the janitor and messenger, that he would find hair pins and erasers and such things in the water cooler—steel grasers and hair pins—and I reported it to Mr. Ford two or three or four times, and finally I reported it to him in writing, my objection to it. He took no notice of it, and hence I reported it to the chief clerk.

Mr. BROSIUS. Who was the chief clerk?—A. Mr. Fisher, the present chief clerk. He took no notice of it, or forgot it, and in about a week I went to him, and they had quite a talk there over it. He came over that afternoon and put a notice on the cooler himself, warning the

people that a repetition of that would cause their dismissal, or he would recommend their dismissal, and that stopped it.

Q. Did you have any difficulty with Mr. Ford while serving under him?—A. I never had, no, sir. I don't think I ever had. I was promoted once under him. Of course this did not cause us to have any great love for each other. As there was no discipline in the division whatever and my reporting him to the chief clerk, but he said nothing to me about it, however, at that time. He afterwards gave me a pretty good round cursing in the office of the chief clerk. It was after I had been transferred from that division. I was transferred on the recommendation of Mr. Ford. I was transferred to the admitted files, a work I could not do on account of my age and disability, and he and everybody else knew that I could not do it and I did not do it. He cursed me terribly in the presence of the chief clerk and in the chief clerk's office.

Q. Did you have him arrested for that?—A. No, sir.

Q. Did you have him arrested for anything?—A. After he was discharged I was coming up Twelfth street, which was in August, I think; it must have been in August, 1886, I was coming up Twelfth street and he was sitting out in the grounds with two little girls about 150 feet away from me, I should judge. I had an umbrella over my head. When he saw me he made straight for me, walked along on the edge of the grass, and he called out at me, called me vile names, all he could think of, profanity and vulgarity, and for which I had him arrested. He went before Judge Snell, I wouldn't like to say that Judge Snell didn't try him right, but it so occurred to me that day. Notwithstanding he admitted he went for me, he denied using the language he did.

Mr. BROSIUS. What became of that?

A. He was discharged. The justice said he thought there was not sufficient evidence to hold him, after demurring sometime.

Mr. ENLOE. Were any of your family ever insulted by him on account of this matter?

A. Yes, sir. I called the policeman's attention to it, he used to pass by where I lived and my wife used to sit at the window and he would pass by. She called my attention to it several times and when he went before the court and got clear I told him the next time it would be S. S. Lincoln, and not William T. Ford, who would come before the court, as I would take the law in my own hands. I never said a word against him that was wrong and I hardly think I could.

Mr. ENLOE. Did you say anything about the girls that were with him being improper characters at the time this difficulty occurred?—A. I said this on one occasion.

Mr. DUNGAN. On this particular occasion; were they women or girls?

A. Women, or girls, I should suppose. They were clerks in the office. Do you mean on the grounds?

By Mr. DUNGAN:

Q. Yes, sir.—A. Oh, they were two little girls.

Q. He has testified they were his own children.—A. I guess they were.

Q. Did you make any remarks against them?—A. Oh, bless you, no; they were two little girls.

Mr. ENLOE. What was it you said about him and other women that caused him to talk about you?

A. I was standing at the window during the lunch half hour, and there was a gentleman standing alongside of me, and a certain lady

came down on the south side of Pennsylvania avenue, and we were on Thirteenth street, in the Thirteenth street building, corner of Thirteenth and the avenue.

Mr. BAILEY. How long ago was this?

A. That was in 1884 or 1885, I guess.

By Mr. LITTLE:

Q. Long before the park episode?—A. Yes, sir; some little time, not very long; and this lady came down on this side of the avenue. I said to the man, "You will see Ford in a moment, as she will go so and so, and he will go around the corner and both join and you will see them in the car next." And sure enough, it was just as I stated, he came up just as I stated, and went round and got into the car and we saw them in the car together going up the street and he told Ford, and that is what Ford gave me the cursing for.

Q. I will ask you in regard to the fact of his going past your house?—A. In passing my house, my wife called my attention; he would go on the opposite side of the street; he usually stopped and looked up sneeringly, and just stand and gaze at her, and I caught him at it once; but before I could get out, I was partially undressed—but before I could get out he was gone. Mr. Montgomery, the police officer, who has charge of that beat, I told him of it, and he told me he would keep watch and he said he would run him in if he caught him at it. And I said if I catch him at it I would break his head, and so I would. He could insult me but not my wife.

Q. What was the discipline in the Pension Office under Mr. Ford?

The CHAIRMAN. He has already stated there was not any.

Mr. DUNGAN. He stated that it was very poor discipline.

The WITNESS. He had pretty bad discipline.

By Mr. ENLOE:

Q. Do you know what sort of a reputation Mr. Ford has for truth and veracity?—A. You mean among people as to their believing him?

Q. His reputation among those who are acquainted with him?—A. I never made any inquiry. For myself I would not believe him under oath.

The CHAIRMAN. Mr. Lincoln, what knowledge, if any, has the present Commissioner of Pensions or the then Commissioner of Pensions of these matters of Ford's, to which you have called the attention of the committee?

A. I don't know as he had any. I never talked to Mr. Raum about it. Never spoke to him about it. In fact, I never spoke to him but once, I came from California and was reappointed. Mr. Raum knows nothing about it at all. I never talked with him since I have been back but once, and then just for a second.

By Mr. BAILEY:

Q. How long have you been in office?—A. I have been in office forty-two years.

Q. Were you ever dismissed from office?—A. Yes, sir.

Q. When?—A. In 1886.

Q. Who dismissed you?—A. John C. Black, or on the recommendation of John C. Black, Commissioner of Pensions, that is what my letter read.

Q. These troubles you had with Mr. Ford at the time you speak of and he insulted you in the park, occurred when?—A. In 1886.

Q. You spoke of two occurrences, once when you had him arrested,

and once when he cursed you?—A. He cursed me both times; the first time was in 1885, that was before we moved up to the brick building up in the Judiciary Square. That was on the corner of Twelfth, in the chief clerk's office.

Q. How long was Mr. Ford chief of the record division?—A. I think four years.

Q. All the time you were there?—A. All the time Dudley was there and a very short time after Mr. Black came in.

Q. Were you ever an applicant for that position?—A. Yes, sir; I was, from San Francisco.

Q. You don't know, you say, that Gen. Raum knows about this?—A. I don't know, sir; I don't think he does. He will never know by my telling him of it.

Mr. BROSIUS. Mr. Chairman, I would like to ask to see the type-written copy of the testimony that has been taken this morning as soon as it is type-written, with a view of moving to strike out certain portions of it that will lumber up the record.

The CHAIRMAN. Very well. Mr. Palmer, you will please furnish Mr. Brosius a type-written copy as soon as it is ready.

TESTIMONY OF S. N. CLARK.

S. N. CLARK, sworn and examined:

By Mr. ENLOE:

Q. State your name, name, age, residence, and occupation.—A. My name is S. N. Clark; age, 48; residence, Washington; and I am correspondent of the New York Tribune.

Q. How long have you been representing the Tribune in Washington?—A. Thirteen or fourteen years.

Q. I will ask you if about the time the completed files order was issued, or soon after that order, it was reported that the Commissioner had borrowed some money from George E. Lemon, if you had any conversation with Commissioner Raum at that time about the matter?—A. I don't know when the completed files order was issued. I had a conversation with General Raum about a certain publication that appeared in the New York World or Herald; I have forgotton which.

Q. Do you remember about what time that was?—A. I could not.

The CHAIRMAN. The completed files order was on January 6, 1890, and order 149 was in December, two weeks previous.

A. My conversation was some months after that. I recollect it was in the spring or summer sometime.

By Mr. ENLOE:

Q. Do you remember whether it was about the time in connection with some charges preferred here in Congress, and on which an investigation was ordered?—A. That was long before Congress was organized.

Q. Before it met?—A. Yes, sir.

The CHAIRMAN. The Fifty-first Congress?

A. Yes, sir.

By Mr. ENLOE:

Q. That was in the spring or summer of 1890?—A. Yes, sir.

Q. What was the character of the article in the New York World to which you allude?—A. There were certain charges made against Commissioner Raum, and I don't recollect now all there was in it.

Q. Do you recollect that one of the charges was that he had secured the indorsement of Mr. Lemon or borrowed money from him?—A. It is my impression that that was one of the charges against him. I submitted it to him and a clipping which I had cut out of a paper; I would not say whether it was the World or the Herald; it was a Washington dispatch, and I submitted that to him; he read it, and said there was not a word of truth in it.

Q. Well, did that dispatch charge him with having borrowed money on Mr. Lemon's indorsement or borrowed it from Mr. Lemon?—A. My recollection is that that was one of the charges.

Q. He told you there was not a word of truth in it?—A. He said that generally of the whole dispatch.

Q. Did you write anything to the Tribune on the subject after interviewing him?—A. I don't think I did.

Q. Were you at that time in sympathy with Gen. Raum, politically, and with the administration?—A. At the time, and I am now; yes, sir.

Q. You are still in sympathy with the administration?—A. Yes, sir.

Q. And you can say, also, with Gen. Raum, if you like.—A. Why, I say I am a Republican, and that covers it.

Q. Did you have anything to do with the preparation of articles that were subsequently published attacking Raum's administration?—A. I wrote a number of them; yes, sir.

Q. I will ask you this, if your opinion in regard to Gen. Raum's administration of the Pension Office was influenced in part by the developments that were made in the former investigation, in which he testified that he did borrow money from Mr. Lemon?

Mr. BROSIUS. What opinion do you refer to?

Mr. ENLOE. His opinion as expressed in the correspondence.

The CHAIRMAN. Now the fact occurs that this correspondent has written something assumed to be derogative to the Pension Office. We will draw the inferences from these facts.

Mr. BROSIUS. Now, he has asked the question whether his opinion has been modified from what he heard in the investigation. Is that a proper question?

The CHAIRMAN. I don't think it is at the present showing.

Mr. ENLOE. Mr. Palmer, please read the question.

Question read by reporter.

Mr. BROSIUS. I object to the question on the ground that it is not a proper question. It does not make any difference with this inquiry whether his opinion was changed or not.

The CHAIRMAN. Strictly speaking, it does not make any difference what this man thought. Any facts he knew in regard to that office we will be glad to hear, and we will draw the inferences later.

Mr. ENLOE. I will ask you, then, if you know of any person having come here to Washington City who is connected with or has any control of the New York Tribune, for the purpose of stopping the attack of the Tribune on the Pension Office?

The WITNESS. You mean you want me to tell you something about the New York Tribune?

Q. I want to know if you knew any such thing.—A. I shall not answer that question, with all due respect.

By the CHAIRMAN:

Q. I ask you the question. Gen. Raum in his testimony says: "Some gentleman came here and had an interview with Gen. Bussey; some gentleman connected with the New York Tribune; some gentleman from New York who is connected with the Tribune."—A. I should say——

Q. I want to ask you if you knew of a visit of any such person here, whether any such person came here and gave you any instructions in regard to the management of the Tribune in that regard?—A. While I have no objection to answering the question, I do not think I would do so, because it relates to the New York Tribune's business. Gen. Bussey can answer the question. I am not going to talk about the business of the New York Tribune here.

Mr. DUNGAN. Do you recollect whether or not at any time the letters relating to the Pension Department changed in tone? The letters that you sent? Now, this is a preliminary question.

Mr. BROSIUS. May I submit, with great respect, "these articles published in the newspaper changed in tone?"

Mr. DUNGAN. That is simply a preliminary question.

Mr. BROSIUS. That is a conclusion of somebody, and we ought not to take the opinion of this witness as to the change of tone.

The CHAIRMAN. Generally speaking it is no concern of the committee as to what the New York Tribune did or did not do, unless it is connected with the Pension Office, and that the Pension Office tried to suppress that publication. Is there any such proposition?

Mr. DUNGAN. I think so.

Mr. ENLOE. There is such a proposition, of course.

Mr. DUNGAN. I will ask it the other way, then. Did the criticisms upon the Pension Bureau cease at any time?

A. I have a complete file of the Tribune which I will be very glad to furnish to the committee.

Mr. ENLOE. I will call your attention to this, Mr. Clark. Will you look at that? (Mr. Enloe hands clippings of newspaper to witness.)

The WITNESS. Do you want me to read this to the committee?

Q. I want you to look at that and see if you recognize it as one of the articles published in the Tribune in relation to the management of the Pension Office.—A. That is Tribune print.

Mr. ENLOE. In order to get this in some shape so we can proceed, I will offer that article in evidence.

Mr. DUNGAN. What is the date of it?

(Witness hands article to Mr. Brosius.)

Mr. BROSIUS. The date is "Special correspondence from Washington, June 13." It does not give the year.

The WITNESS. I might say that this would appear on the following day. If the dispatch was dated the 13th it would be in the paper of the following day.

Mr. BROSIUS. Was this in 1890?

A. It was, I suppose.

Mr. ENLOE. Yes, sir; it was in 1890.

Mr. BROSIUS. I object to the article unless some statement is made as to the purpose.

Mr. ENLOE. It is for the purpose of showing what was the character of the publications in relation to the Pension Office in the New York Tribune. I propose to show by subsequent testimony that those articles were stopped, that is, that the publication of such articles in the Tribune stopped, and the policy, if not changed, at least that line of it was checked by the influence brought to bear through the administration on the office. I do not think I will be able to show it by this witness or by any correspondence here; but I think I will be able to show it by witnesses I will get.

Mr. BROSIUS. Do you propose to offer in evidence a subsequent communication to the Tribune or is this the only one you propose to offer?

Mr. ENLOE. The gentleman is wanting me to do an impossible thing, I think. I don't think I can produce any evidence to show there has been any change of the Washington office of the New York Tribune, but I think I can produce evidence to show that at a certain time the New York Tribune ceased to publish these articles in regard to the office.

The CHAIRMAN. Let us take this course in regard to this matter in order to get through with this witness. He has identified this and we can decide upon its admission afterwards. Are you through with this witness?

Mr. ENLOE. Yes, sir.

Mr. DUNGAN. Would it not be proper to ask the witness if he has orders not to send in any more communications on that subject.

The WITNESS. Mr. Chairman, I decline to answer that question.

Mr. DUNGAN. That is all right, and I respect your motive in doing it.

A. It is not any motive at all. This committee is not investigating the New York Tribune, as I take it.

Mr. LITTLE. Do you receive intimations from the home office in regard to the articles you send there; I don't refer to the Pension Office; but as to anything?

A. That is still farther away and I decline to answer it.

Mr. LITTLE. I think that is a different matter.

The CHAIRMAN. I am inclined to think the correspondent is right. The modes of obtaining it and the sources of information are peculiarly their own, and so long as they keep within the rules of law that protect private character and the like they are entitled to do as they wish, and, as he stated, we are not investigating the New York Tribune or any other paper. I think he is right to refuse to give any information on the subject.

Mr. LITTLE. My question was as to whether he wrote on his own judgment or on orders of the paper as to this particular inquiry or any other.

Mr. BROSIUS. That would be outside the inquiry.

Mr. LITTLE. This is simply preliminary.

The CHAIRMAN. I do not think we ought to go into that. I think the correspondent's position is right.

Mr. LITTLE. I agree with you entirely as to your position, Mr. Chairman.

Mr. ENLOE. I will ask you if you have ever seen any letter, or copy of a letter, written either by George E. Lemon or Russell Harrison to Whitelaw Reid, or have your attention called to such letter, in which his attention was called to the fact that it was not proper that the Tribune should make these attacks upon that department of the Government?

A. I shall decline to answer that question or any question affecting the business of the New York Tribune, and I certainly decline to answer that.

Mr. DUNGAN. For the reason that it comes within the official business of the paper?

A. Yes, sir; this committee is not investigating the New York Tribune. If you will appoint a committee to investigate the New York Tribune, I will answer any question you may ask.

The CHAIRMAN. The question of the admissibility of this article is to come up later, and we will dispose of it then.

Mr. BROSIUS And the question will really have to be determined by

what offers are subsequently made, because I can see how it might be made admissible.

Mr. ENLOE. I will file the article with Mr. Palmer, the reporter, and we can decide that later.

Mr. ENLOE (to witness). Do you know whether Mr. Seckendorf is here?

A. He is in town.

Q. Is he up in the gallery in the Capitol?—A. No, sir; I do not think so. I do not think he is down yet.

Mr. ENLOE (to reporter). You will please identify that article.

(Article marked Exhibit A.)

Committee takes recess until 1.30 p. m.

AFTER RECESS.

Mr. BROSIUS. Now, Mr. Chairman, I have marked the passages on the several pages from 12 to 17, inclusive, in the testimony given by Gen. Dugan, and the portions which I have marked to be stricken out leave the balance in an intelligent form. I have made the discrimination so as to leave the balance of the testimony in good shape.

The CHAIRMAN. After examining the pages designated I have no objection to that being stricken out.

The CHAIRMAN (to Mr. Dungan). Mr. Dungan, will you take this and examine the testimony? (Handing testimony to Mr. Dungan.)

Mr. DUNGAN (after examining the testimony). I do not see any use in keeping it in and think that it should be stricken out.

(Testimony of Mr. Dugan stricken out by red crosses over the pages designated by Mr. Brosius.)

Committee adjourned until Thursday, May 12, to meet at Pension Office at 10:30 a. m.

WASHINGTON, D. C., *Thursday, May 12, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF DR. J. W. LITTLE.

Dr. J. W. LITTLE, sworn and examined.

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. I am 40 years old; reside here in Washington; I am a physician.

Q. Have you a position in the Pension Office?—A. Yes, sir.

Q. What position do you hold there?—A. I am an examining surgeon on the board there.

Q. Whom did you succeed?—A. Dr. Stanton.

Q. Was that vacancy occasioned by the death of Dr. Stanton?—A. Yes, sir.

Q. Did you call on Green B. Raum, jr., a night or two after the death of Dr. Stanton in reference to this appointment, at his residence?—A. Yes, sir.

Q. Who was with you on that occasion?—A. There was nobody with

me when I called on him. There was a gentleman drove down there with me.

Q. Who was that?—A. Maj. Myers—Henry A. Myers.

Q. I will ask you if about the time of your appointment or after your appointment, you loaned any money to Green B. Raum, jr., or indorsed any paper for him, or gave him a note or an order on anybody for money?

(After an answer by the witness which was stricken from the record, the previous question was read by the reporter.)

The WITNESS. All I have to say about that is that Green B. Raum asked me to indorse a note for him afterwards, but I did not do it.

Q. You didn't indorse it?—A. No, sir.

Q. What time did he ask you to indorse the note?—A. It was subsequent to my appointment.

Q. How soon after?—A. It was not a very long time after.

Judge PAYSON. Just answer the question and say when it was?

A. Very soon after.

The CHAIRMAN. A few days or a few weeks?

Mr. ENLOE. Was it the day you got your appointment?—A. Well, I am not sure that it was not.

By the CHAIRMAN:

Q. Was it very close to that time?—A. I think it was, sir.

Q. Either that day or the next?—A. I think so, it was afterwards.

Q. Either that day or the next?—A. Yes, sir; it was only in the nature of an indorsement. I did not succeed. I told him if I could accommodate him in that way I would do so; but I found I could not do it.

By Mr. ENLOE:

Q. Did you attempt to negotiate a note of his with your indorsement?—A. No, sir; it was not indorsed. I had not signed it.

Q. Did you inquire to see if you could negotiate the note for him after you indorsed it?—A. I inquired about it, and after I found out there would probably be some little objection, I let the matter go.

Q. Objection of what character?—A. I did not understand why.

Q. Who was objecting; did you understand who was objecting?—A. It was objected to at the bank.

By Mr. LITTLE:

Q. The inquiry you made was at the bank?—A. Yes, sir.

Q. And they said they would not discount it?—A. They did not exactly say they would not, but they intimated they didn't care to, so I let the matter drop.

Q. What bank did you go to?—A. The Columbia.

The CHAIRMAN. Was that the only money transaction between you and young Green B. Raum?

A. Well, that is all I have to say; except private matters.

The CHAIRMAN. These things have all been gone over half a dozen times by the committee, and we would like to have you answer this question. It is not for the purpose of finding out your private affairs at all.

A. It touches on my private matters, and I do not think I will answer that.

Mr. DUNGAN. That other matter was not a public matter, was it?

A. No, sir; but I learned afterwards it was about to be made a public matter. I did not make any secret about it myself; I didn't make

any secret of that at all; I told several parties. I didn't think there was anything wrong about it.

The CHAIRMAN. Is there any private matter which you think ought to be kept a secret between you and him in regard to money?

A. I don't know as there is, sir.

Q. Will you tell if there was any other money transaction between you and him?

Mr. DUNGAN. While he was an employé in the office?

A. I don't know as there was.

The CHAIRMAN. Will you say there was not?

A. I don't know as there is anything that will concern this committee?

Q. How can we tell in regard to that until we find out something about it?—A. That is a matter for you to decide. I think I have covered the ground in regard to the matter concerning myself as to my bribing, and all of that, and I think it is on that point that the committee desired to examine me.

Mr. LITTLE. The committee would not have asked you this question if they did not desire an answer.

A. I ask to relieve Mr. Raum from that; I did that to relieve myself as well as him. The thing was thrown broadcast and got into all the papers and it was not calculated to do me any good.

By Mr. ENLOE:

Q. I will ask you if the fact that it was being talked about and was likely to become public had anything to do with your failure to have that note discounted?—A. No, sir; I did not know there was a word to be said about it. I did not know at that time that there was the least thing against Mr. Raum; hadn't the least idea of it.

Q. Did you loan him any money after that?—A. I think anything further than that would be intrenching on my private acts.

Q. Would it be any more private than this matter was?—A. I don't think that was very private. I made it public enough. I simply asked to have his note discounted and there was some difficulty about it. That was a private matter, too, but that was after the appointment had been made. And, furthermore, I did not agree to do that until security had been offered for my indorsement in case there was anything wrong about the payment of the note.

By the CHAIRMAN:

Q. The object of this inquiry is to see whether there has been a state of borrowing and loaning among the clerks from subordinates and superiors and the like that would be apt to be injurious to the public service, and it is for the purpose of finding, out if possible, whether any undue influence or improper influence, either by borrowing or lending money, has been brought to bear in connection with appointments and the like?—A. There was nothing of a monetary matter that influenced me whatever.

Q. Are we to be precluded from investigating this matter any further by that statement? Can not we find out in regard to the facts?—A. I don't know any other statement I can make to this committee that will throw any light on that. I say there was nothing of a monetary matter through Mr. Green B. Raum, jr., in any way, and I secured my appointment, as I thought, through the Commissioner. I first came to see the Commissioner after Dr. Stanton died, and he was not in, and I went in to see young Mr. Green B. Raum. I never heard of him before and did not know him. Some one said to go in and see him, and I went in and

told him what I wanted and that I would like the place if he had not promised it to anybody else.

Q. Suppose it might be found necessary, as a relief to these subordinates from having their superiors borrowing money from them, to enact some law in regard to this borrowing and lending? Don't you think it would be a proper thing to find out about it?—A. Certainly, it would be a proper thing for the committee to do.

Q. But you have not answered our questions, and we asked you a simple question.—A. I have answered it.

Q. Let me repeat the question and let me take your answer or refusal: Have you loaned or borrowed of Green B. Raum, jr., since your appointment in the office, any money?—A. As I said before, that is a private matter, and I don't think I wish to tell that.

Q. We do not wish to embarrass you in any way.—A. I don't say you do, but I stated positively my connection with the matter so far as receiving my appointment. There was no money consideration whatever.

Q. Will you give any other answer to the question than that?—A. I gave you an answer to the question.

Q. Will you give any other answer? Will you answer it directly or refuse to do so?—A. I don't see why I can not refuse to answer things that concern me privately.

Q. Do you refuse?—A. I gave my answer, and that is the only answer I have to make about it.

Q. That is all the answer you will make?—A. That is all I have to make.

By Mr. ENLOE:

Q. What was the amount of this note, doctor?—A. Two hundred dollars.

Q. Did you attempt to negotiate any other besides that?—A. No, sir; I simply went to Mr. Parker, of the Columbia National Bank.

Q. Was there any other note besides that that you attempted to discount?—A. No, sir. He said if I would cut the note in two it would be all right, and I found out he did not want it; I did not know why it was he did not want to do that, and I thought it was on account of myself. I didn't have much of a bank account myself. I don't know as I had any. And finally he intimated the note was hardly in good shape, or something of that kind.

The CHAIRMAN. We have had this matter up before the committee several times in regard to borrowing money, and two or three gentlemen have taken the position you have, and upon reflection and consultation, perhaps, they have to come to the conclusion it was a public matter. If it were purely private the committee would not abuse its powers by undertaking to use it improperly, and if it is a public matter we would like to know about it.

A. Looking at it as I do, and making the statement to free myself as well as—and in that way it frees Mr. Raum. I don't know as I have any special desire to do anything that was not right at all to protect a man. I do it to free myself. As I say, this thing was thrown out broadcast that I had paid so much money for a place, and I make this statement before the committee because it will go out.

By Mr. ENLOE:

Q. Don't you think you are doing yourself greater injustice through avoiding answering this question than you would by telling the simple

naked fact?—A. I don't propose to tell my private business to anybody unless I think I ought to do it.

Mr. LITTLE. I would like to ask the question; if he understands the question that the chairman asked him covers only a period of time when Green B. Raum, jr., and yourself were both in the public service?

A. Yes, sir.

Q. You understand that is so?—A. Yes, sir.

By Mr. ENLOE:

Q. Let me ask you this, doctor, if you gave any order on the pension agent in this city to Mr. Raum?—A. No, sir.

Q. You did not?—A. No, sir; not to anybody else.

Q. Nor to anybody else?—A. No, sir; I have not missed a session of the board. I am the only member of the board who has received all the pay that was in there. I received my full check myself, and never was asked to give any order.

Q. You will not state how much money you loaned him?—A. I would not state I loaned him any.

Q. Will you deny you loaned him any?—A. I will say this much; unless a man was a very special friend of mine he would not get any money out of me in any way without good security.

Q. Did he give security—that is, Mr. Raum?—A. I have not said I loaned him any money.

Q. Will you deny you loaned him any?—A. I have not said I did or did not loan him any.

The CHAIRMAN:

Q. You are trifling with the committee.—A. I am not doing so, and do not intend to.

Q. I do not want you to do it any more. Either answer the question or refuse. Have you loaned Green B. Raum, jr., any money since your appointment, and while he and you were both in the public service?—A. I have not any other answer to make to that than I have made.

The CHAIRMAN. That is all.

TESTIMONY OF M. G. SECKENDORF.

M. G. SECKENDORF, sworn and examined.

By Mr. ENLOE:

Q. Will you please state what your occupation is?—A. I am chief of the Washingtan bureau of the New York Tribune.

Q. You were summoned as a witness before the former committee investigating the management of the Pension Office during the Fifty-first Congress, were you not?—A. I was.

Q. In that investigation I believe you stated you were responsible for the articles appearing in the New York Tribune relating to the Pension Office?—A. Yes, sir.

Q. I will ask you if your attention has been called to the testimony of the Commissioner of Pensions when he was on the stand in this investigation, wherein he stated that some one had come here from New York who was connected with the Tribune and had seen Gen. Bussey, and in that way the attack on the Pension Office through the Tribune, that the Tribune had been making, had been stopped? Do you know of any such person having come here?—A. I do not. In fact, I know that it

could not be that any person came here to make any such arrangements.

Mr. DUNGAN. Without you knowing it?

A. Yes, sir; without my knowing it.

Mr. ENLOE. Do you know anything of any correspondence between Russell Harrison, Whitelaw Reid, United States minister at Paris, and I believe the editor of the New York Tribune, in relation to this matter, in which Mr. Harrison interceded and asked that the attacks of the Tribune on the office should be stopped?

Judge PAYSON. Would not the correspondence be the best evidence?

Mr. ENLOE (to witness). I will ask you if you know of the existence of such correspondence?

A. I must decline answering that question, because it opens up a line of examination which would disclose, I might say, the policy of the Tribune.

Q. Do you know whether Mr. Whitelaw Reid is in this country at the present time; is he in New York?—A. Yes, sir; in New York.

Q. You are not publishing any articles in the Tribune now that are unfriendly to the administration and the Pension Office, are you?—A. We are printing the Associated Press reports of the investigation, if you call those unfriendly.

Q. The Washington bureau is not preparing now any articles in regard to the Pension Office, is it?

Judge PAYSON. Mr. Chairman, in what possible way can this throw any light on the abuses in the Pension Office, what the correspondent did, or whether he did anything or not? How is that connected with this investigation?

By Mr. ENLOE:

Q. Can you give this committee any information, Mr. Sackendorf, about the foundation of the articles published in the Tribune, sources of information on which you acted in publishing these articles?—A. No, I can not now recall anyone. It is nearly two years ago.

Q. Do you of your own knowledge know whether or not the Commissioner of Pensions has made an effort to bring influence to bear on the Tribune to stop the Washington bureau from sending the dispatches with reference to the Pension Office?—A. I do not.

Q. Have you ever been approached on the subject by the Commissioner or Russell Harrison or George E. Lemon?—A. I have not.

Q. Or Mr. Halford, the private secretary of the President; has he ever spoken to you about it?—A. No, sir.

TESTIMONY OF MRS. D. SLOANE.

Mrs. D. SLOANE, sworn and examined.

By Mr. ENLOE:

Q. What is your age, Mrs. Sloan?—A. Sixty-two.

Q. What occupation are you engaged in?—A. I am a clerk in the Pension Office.

Q. What division?—A. The record division.

Q. Will you tell the committee what occurred between you and Mr. Ford when you went to him to collect some money from him that he owed to you? Will you state what he said?—A. I sent a gentleman.

Q. You did not see him?—A. I did see him.

Q. What did he say to you when you saw him?—A. He said he would give it to me.

Q. Did you have any trouble with him?—A. No, sir; not at all.

Q. Who was the gentleman you sent to him?—A. Mr. Wheeler.

Q. What Mr. Wheeler?—A. He is in the Record Division.

Q. Did he pay the money finally?—A. He paid it the next pay-day, which was two or three days afterwards.

Q. Do you remember of going over to the Western Division and talking to some gentlemen over there about Mr. Ford and his treatment of you?—A. What do you mean?

Q. I mean did you go over to the Western Division and talk to Mr. Engle and some others in Mr. Durnan's division?—A. Mr. Engle sent for me to come over there.

Q. He sent for you?—A. Yes, sir; but I did not go.

Q. You did not go?—A. I did not know what he wanted of me.

Q. You did not go over there?—A. Yes, sir; I went, but not of my own accord.

Q. You made some statement then, didn't you, to Mr. Engle about Mr. Ford's treatment of you?—A. Not that I recollect of.

Q. You do not recollect of saying anything about it?—A. Only that I wanted my money.

Q. Who else was present when you met Mr. Engle there?—A. Well, indeed, I can not tell you, sir.

Q. Did you have a sick spell, or fainting spell, while you were there?—A. I was sick when I went. I had been sick for some time.

Q. Do you remember of talking about Mr. Ford's treatment of you while there?—A. No, sir; I do not.

Q. You do not recollect of saying anything about it?—A. I don't remember of saying anything.

Q. Well, do you say you did not say anything about it over there?—A. I may have said that I wanted my money but not anything any further than that.

Q. Did you say while you were there anything about Mr. Ford's threatening to bring you before this committee if you did not quit troubling him about that money?—A. No, sir; nothing of the kind.

Q. Nothing of the kind said at all?—A. No, sir.

Q. What did Mr. Engle tell you he wanted when he sent for you over there?—A. He sent down there and said he wanted to see me at the Western Division, and I declare I can't tell you what he did say.

Q. Do you know how you came to talk about Mr. Ford's matter at that time?—A. Because he sent for me. Mr. Engle asked me to come over there.

Q. Do you know how you came to talk of the Ford matter there? About Ford owing you this money at that time?—A. You mean with Capt. Engle?

Q. Yes, and any other clerks there.—A. Mr. Klopfer was there.

Q. Did he hear what was said?—A. I think he did.

Q. Do you remember that conversation?—A. Not so I could repeat it.

Q. You did have some conversation about it?—A. Well, really I can not tell you other than that I told Capt. Engle I wanted the money.

By Judge PAYSON:

Q. Mrs. Sloan, Mr. Ford's treatment of you personally was kind enough, was it not?—A. Yes, sir.

Q. The only difficulty was he did not pay you the money when you thought he ought to?—A. Yes, sir; that was the trouble.

Q. There was no action on his part, or any intention to treat you unkindly, or disrespectfully, or discourteously, was there?—A. Not at all, not the slightest.

By Mr. LITTLE:

Q. Do you know that Mr. Engle and Mr. Klopfer have testified before this committee in regard to that conversation?—A. I don't know anything about it.

Q. Have you not been informed that they were before this committee?—A. No, sir; I don't know anything about it. I went from here sick.

Q. Some weeks ago, are you not aware that these clerks came before this committee and told this committee the substance of that interview?—A. No, sir; I have not talked with anybody about it.

Q. You have not talked with anybody about it at all?—A. Not to my recollection.

Q. Has anybody talked to you about it?—A. No, sir; I don't recollect that they have.

Q. Would you recollect if they had?—A. I think I would.

Q. Then you are sure no one has spoken to you in regard to the testimony of these witnesses, the testimony of these clerks given before this committee as to the substance of your fainting spell that day?—A. In relation to me?

Q. Yes.—A. No, sir; I have not any recollection of it.

Q. No one has spoken to you about it?—A. No, sir.

Q. You have not seen it in the papers either?—A. No, sir.

Q. And you have no knowledge? If I should say to you now that they did so testify, would that be the first knowledge you would have that any such thing took place?—A. Yes, sir; that would be the first knowledge. I have not heard anything about it.

Q. Where do you reside in the city?—A. Seven hundred and twenty-three Thirteenth street NW.

By Mr. ENLOE:

Q. Who is the lady who keeps that house?—A. Mrs. Steele.

Q. Didn't she tell you the messenger of this committee had been there to summon you to appear before this committee?—A. Yes, sir.

Q. Did she not tell you it was in connection with that matter of Mr. Ford's, and also tell you what had been said about it?—A. I don't know that she did. I don't remember that she did. She said there had been a gentleman there wanting to see me; had been there at the house.

Q. She did not tell you what he wanted?—A. No, sir; she did not know.

Q. She told you he wanted you to appear before this committee or to make some arrangements to take your statement?—A. Yes, sir.

Q. How long were you sick after that occurrence?—A. I was sick then.

Q. How long were you kept away from the office on account of it?—A. I went to my home in Ohio and was gone two weeks, and I came back here the last of last month.

Q. Did that lady tell you about reading this story that was published in relation to this matter with Mr. Ford?—A. No, sir; she did not tell me.

Q. She did not tell you anything about it?—A. No, sir.

Q. Nobody in the office said anything to you about it?—A. I knew the investigation was going on.

Q. You knew something had been said about this matter—about the $30 that Mr. Ford owed you?—A. I don't remember that.

Q. Have you talked with Mr. Ford about this matter since you came back?—A. No, sir.

Q. You have not talked to him about it since you came back?—A. No, sir. I spoke to him since I came back.

Q. He did not say anything about this matter?—A. No, sir.

Q. Nor you to him?—A. No, sir. I have my money, and I am satisfied.

Q. Did you go in to see the Commissioner about it?—A. No, sir. I am not acquainted with the Commissioner.

By Mr. LITTLE:

Q. About how long had this money been owing to you, Mrs. Sloane?—A. I could not tell you, sir. It was got at different times.

Q. A month?—A. Yes, sir, more than that.

Q. Three months?—A. Yes, sir, I suppose longer than that.

Q. Six months?—A. I could not tell you, indeed, sir.

Q. Should you think about that?—A. Yes, sir, I suppose so.

Q. Longer than that?—A. Perhaps.

Q. Nine months?—A. Well, really, I can not tell you.

Q. What is your best recollection?—A. I handed the note to Mr. Ford when he paid me.

Q. You held a note for it?—A. Yes, sir.

Q. This money was loaned at different times?—A. Twice; and an indorsement was made on the note.

Q. You mean when he borrowed the first amount he gave you a note representing that?—A. The amount was $50.

Q. Originally?—A. Yes, sir.

Q. Was that loaned at one time?—A. I think so.

Q. What other sums did you loan him? You said this was loaned at different times, what other sums did he borrow from you?—A. I meant it was paid at different times.

Q. You say it was longer than six months. Do you think it was nine months?—A. I could not tell you, sir.

Q. What is the best of your recollection?—A. I could not tell you. I have not any idea, because I had the note and I did not pay any attention to it.

Q. You have no doubt it was longer than six months?—A. I think it was six months. I don't know how that note read or when it was to become due. I don't really know that.

Q. Was the note due when you collected it?—A. Yes, sir.

Q. Was it overdue?—A. Yes, sir.

Q. About how much?—A. I don't know that.

Q. How much do you think?—A. I don't think anything about it. I did not pay any attention to it. I had the note and felt satisfied.

Q. Was it drawing interest?—A. No, sir.

Q. Why were you pressing him for the payment, if it was not due?—A. It was due; I told you it was due.

Q. You don't know how long it was overdue?—A. No, sir; I do not remember anything about it. I had the note and felt satisfied, but at that time I wanted to use the money, and that was the reason I wanted it.

Q. How many times did you ask him for it?—A. I could not tell you, sir.

Q. Several?—A. I could not tell you that.

Q. Did you ask him at all?—A. I sent this gentleman for me.
Q. Did you ask him yourself?—A. I do not think I did.
Q. Did you ever send this gentleman more than once?—A. No, sir.
Q. Did you loan the money to Mr. Ford through this gentleman?—A. No, sir.
Q. He came and asked you for it?—A. Yes, sir.
Q. When you wanted to collect it, why didn't you ask him for it instead of sending a third party?—A. Because Mr. Wheeler was right there, and I spoke to him and told him I wanted it.
Q. Did Mr. Wheeler know of this transaction?—A. Yes, sir.
Q. How did he come to know of it?—A. I don't know.
Q. You don't know how he knew it?—A. No, sir.
Q. Did you tell him yourself?—A. Perhaps I did.
Q. Had you had him go over to collect it previous to this during the time?—A. No, sir.
Q. Was this illness the result of your interview with Mr. Ford?—A. Oh, no, sir; not at all.

By Mr. BROSIUS:

Q. I understood you to say, Mrs. Sloane, you were ill at the time you went to see Mr. Ford?—A. At the time Capt. Engle sent for me.
Q. You were ill at that time?—A. Yes, sir.
Q. And had been ill before?—A. Yes, sir.

By Mr. LITTLE:

Q. But you were still attending to your duties?—A. Yes, sir.
Q. And you were not confined at home?—A. No, sir.
Q. But from that time you were?—A. Yes, sir. I was very ill the day I went over there.

By Mr. ENLOE:

Q. Did you have any talk with Mr. Ford about this matter after Mr. Wheeler had seen him, or before you got the money, or at the time of this payment?—A. I did not have any talk with him. He came and brought me the money and I handed him the note.
Q. He came and handed it to you and nothing was said?—A. I don't think there was.
Q. Do you know why Mr. Ford should have said, when he was on the witness stand, that you were his friend and that there would be no further trouble about this?—A. I am not responsible for what Mr. Ford said. I don't know anything about it.
Q. You did not give him any assurance of your friendship at that time?—A. Not that I am aware of, nor of my enmity either. I have no enmity against him.
Q. How long have you been in the Pension Office?—A. Since 1883, I think, but I am not certain.
Q. From what State were you appointed?—A. Ohio.
Q. What character of work do you perform in the office?—A. Well, I can scarcely tell you; it is so very——
Q. Can you state what you do there every day, what your occupation is?—A. I make indorsements upon applications and letters that come in.
Q. Have you been holding the same position ever since you have been here?—A. Yes, sir.

TESTIMONY OF JOHN F. KELLY.

JOHN F. KELLY, sworn and examined:

By Mr. ENLOE:

Q. State your name, age, residence, and occupation.—A. John F. Kelly; age 50; I am a principal examiner in the Pension Office.

Q. From what State were you appointed?—A. Illinois.

Q. How long have you been in the Pension Office?—A. I was appointed first in 1870.

Q. In what position?—A. An examiner.

Q. Have you been in the same division ever since?—A. No, sir.

Q. What other division have you been in?—A. The eastern division.

Q. Have you been promoted since you have been in the Pension Office?—A. Yes, sir.

Q. From what position were you promoted?—A. I was promoted in the regular grade. First promoted by Gen. Black.

Q. Have you been promoted under this administration?—A. Twice, sir.

Q. From what position?—A. From $1,600 to $1,800 and from $1,800 to $2,000.

Q. You are drawing a salary of $2,000 now?—A. Yes, sir.

Q. Upon whose recommendation were you appointed?—A. The chief of the law division, chief of the board of review, and the Hon. Charles Hill, of the Eighth Congressional District of Illinois, and Senator Cullom, I believe.

Q. Do you remember having any conversation with Mr. Donahue when you went to him to borrow $25?—A. I never borrowed $25 of him.

Q. You never borrowed any from him?—A. No, sir.

Q. Ever get his indorsement for money?—A. Yes, sir.

Q. Whom did you borrow it from?—A. Latourette.

Q. John W. Latourette?—A. That is the man.

Q. Was that amount $25?—A. No, sir.

Q. Was it $27.50?—A. No, sir.

Q. How much?—A. Forty-five dollars. I have the note here in my pocket.

Q. You never borrowed $25 from him?—A. No, sir.

Q. Was that the only time you ever borrowed any money from him?—A. No, sir; I borrowed $65 from him, from the same man.

Q. Do you remember stating to Mr. Donahue you wanted to pay the Commissioner $25 for some stock?—A. No, sir; I never had any such conversation with him. I did not require any conversation with him to get the indorsement. Mr. Latourette sent me to him to get the money and stated it was all right.

Q. Did you have any stock in any company which Gen. Raum organized.—A. No, sir; never knew he had any stock.

Q. Did you ever subscribe for any stock in the Refrigerator Company?—A. No, sir.

Q. In the Charleton Heights scheme?—A. No, sir.

Q. In the American Gypsum and Mining Company?—A. Never.

Q. And you did not have any conversation with Mr. Donahue about any stock?—A. Never in my life. I want to be emphatic about that, because I know the man I am testifying about.

Judge PAYSON. You mean Donahue?

A. Yes, sir; he perjured himself when he said so.

By Mr. ENLOE:

Q. In his testimony he states that you secured a note for $60 for the purpose of having a renewal, as he understood the matter, and you added it on to the $45 that you already owed him and he soon found he owed Latourette $105 on your account.—A. That is not true. He indorsed the two notes.

Q. He indorsed them separately and without any renewal?—A. Yes, sir.

Q. Did you make any settlements with him?—A. I paid the notes.

Q. You paid the notes?—A. Yes, sir.

Q. Did he institute any proceedings against you in the courts?—A. Yes, sir.

Q. What were they?—A. He sued me for the money and I went and settled it. I paid 10 per cent per month and I refused to do it any longer.

Q. Did he threaten you with an indictment?—A. He did threaten me with criminal proceedings.

Q. He didn't institute criminal proceedings?—A. He threatened to. I think he did institute them, although I never was served with any writ. I was informed that there was such a thing, though.

Q. Did you borrow money, Mr. Kelly, from any other employés of the Pension Bureau?—A. No, sir.

Q. Did you get the indorsement of any others?—A. No, sir; that is the only transaction of that kind I have ever had.

Q. You say that is the only transaction of that character you have had?—A. Yes, sir; I have his receipt for the payment of the money, and the last transaction I had with him was on the 18th of November, 1890.

By Mr. BROSIUS:

Q. Was Latourette an employé of the Pension Bureau at the time of this transaction?—A. No, sir; he was not an employé.

By Mr. ENLOE:

Q. Was Latourette charging you 10 per cent a month?—A. Yes, sir, on that money. I will just state, so you will understand it, when I went to get that money from Latourette he said, "Who will indorse your note for you?" I said, "A man paying 10 per cent ought not to be obliged to give security," and he said, "Do you know Donahue of the record division?" and I said, "I do, but not well enough to ask him to indorse a note." He said, "Take this note up to Donahue and tell him that I told him to sign it and I will give you the money. I will discount it for 10 per cent and give you the money;" and I did so.

Mr. ENLOE. That is all.

The CHAIRMAN. You have been very frank with the committee, Mr. Kelly, and I wish to say so to you.

The WITNESS. Well, sir, I have not anything to conceal—not even my poverty.

TESTIMONY OF H. A. MYERS.

H. A. MYERS, sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. Fifty years old. At present employed in the Land Office as a clerk in the General Land Office.

Q. Are you acquainted with Dr. Little?—A. Yes, sir.

Q. Did you go with Dr. Little to the house of Green B. Raum, jr., soon after the death of Dr. Stanton, when he was seeking the appointment which he afterwards received?—A. No, sir.

Q. Didn't you go there with him?—A. I was never in his house in my life. Never saw the gentleman.

Q. Did you go to his house on that occasion?—A. Yes, sir.

Q. You did not go into the house?—A. No, sir; I was with Dr. Little when he stopped there and went in.

Q. Did you have any conversation with Dr. Little about that appointment?—A. Yes, sir.

Q. State what he said to you about it.—A. Well, we had a good deal of conversation about that appointment at different times. I can not remember just what he did say at the time.

Q. Did he make any statement to you that Mr. Raum had promised him the place?—A. No, sir; he did not.

Judge PAYSON. You mean Raum, jr?

Mr. ENLOE. Yes, sir.

A. No, sir; he did not say he promised him the place. He said everything looked favorable.

Q. Did he say anything to you at that time or afterwards that Mr. Raum, jr., wanted to borrow money from him or get an indorsement on a note?—A. No, sir; not at that time he did not.

By the CHAIRMAN:

Q. The question is at that time or any other time?—A. Some time after that, after he received his appointment, he said something to me about that.

Q. What did he tell you about that?—A. Some time after that I met him—I don't remember just how long it was, but it was after his appointment, he said he was in a kind of a fix, he didn't know what to do. He said that young Raum wanted to borrow some money from him and he said, "I have not got the money to loan him." He said, "I have not got it. He seemed to need some money very bad and I would like to accommodate him if I could because he has treated me very nicely," and he said, "I have not got the money."

By Mr. ENLOE:

Q. Did he tell you he made an effort to discount a note for him?—A. I don't remember what he did say about that. He said something, but I don't recollect whether he said he made an effort or not. He said he did not know what to do with the matter.

Q. Did he tell you after that time that he had loaned him some money?—A. Well, it seems to me he did say he let him have some.

Q. Did he tell you how much?—A. I don't know that he did, sir.

Q. How soon after he was talking about the appointment and the note was it he told you he loaned him some money?—A. Indeed, I do not remember, sir. I used to see Dr. Little every few days and I can not recollect how long it was. It could not have been very long afterwards.

TESTIMONY OF J. R. VAN MATER.

J. R. VAN MATER, sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. My age is 45 years; my occupation is chief of the board of review; I reside in Washington.

Q. I will ask you if you had any instructions, verbally or otherwise, from the Commissioner to delay or slow up in the adjudication of cases in the board of review along about December, 1891, and January 1892?—A. No, sir.

Q. You did not?—A. No, sir; I will say that I was absent during the most of January, but I never received any such instruction as that.

Q. Can you account for the small number of certificates issued in January, 1892. Was it the fault of your board?—A. No; I think not. If there was any delay, it was probably due to a lack of force in the medical division. I don't know exactly how far the board of review was behind its work in January, because I was not here from the 2d of January until the 26th, but in December and since then there has been no unusual delay.

Q. How many members have you on that board?—A. Well, we have now about 185 members; there are only about 117 reviewers in the board of review. That is in excess of about 20 over our usual force, owing to the large amount of work that has been coming to the board of review in the last two or three weeks. That is about 20 in excess of our force.

Q. What is the average number of cases disposed of by each reviewer per day?—A. I would have to look up the record. I think about twenty-five; somewhere along there. I can give you those figures from the daily reports. I mention that as an estimate from my recollection. I will say that, as you all know, the capacity of different men vary, and the quantity of work they can do every day is not the same with all men. Some are able to dispose of more cases than others who are equally conscientious.

Q. Do you think the compensation you receive is sufficient for the work you do?—A. No, sir; I do not. I receive $2,000 a year salary, and that is the salary of the principal examiners that are members of the board of review.

Q. Have you made up your mind whether or not you are going to resign on account of the insufficiency of your salary?

Judge PAYSON. Is that a proper question?

A. I will give you an answer to that. I will simply say that I have been perfectly indifferent about the position of the chief of the board of review on account of that.

Q. The reason I asked the question was because the Commissioner, in a statement made in the last Congress, said he did not think he could keep you in the service unless he could raise your salary.—A. At that time I had a business proposition laid before me with the idea of leaving the office. If I could obtain a good business opening I would leave at once. As it is, I am very indifferent about retaining my position.

TESTIMONY OF A. J. WAGSTAFF.

A. J. WAGSTAFF, sworn and examined.

By Mr. ENLOE:

Q. Do you know anything about any delay in the board of review along in December, 1891, and January, 1892?—A. There was no unnecessary delay in the board. There were a great many cases in the board in January, 1892. I think Mr. Van Mater was on leave, and I was acting chief of the board. The division had to brief a great many new Act

cases and more than we could dispose of, and I called for a detail of fifty odd men to dispose of that work, and I think when he returned we were sending back the detailed men and were cleaning up that work.

Q. After you pass upon a case, how long is it usually before the certificate is issued?—A. That depends upon the medical and certificate divisions. If they are up to date with their work, I think it would average about four or five days, but it is seldom they are up.

Q. Then the number of certificates issued during the month of January was not attributable to any delay in your board?—A. No, sir.

Q. I will ask you if you heard of any order from the Commissioner for the board to delay the adjudication of cases?—A. No, sir; never since my connection with the board.

CAPT. FISHER—Recalled.

By Mr. ENLOE:

Q. Do you know anything about the whereabouts of the papers of W. W. Dudley, in his claim, at the time that Secretary Noble had the committee investigating the re-rating episode?—A. No, sir.

Q. You don't know?—A. No, sir.

Q. Did you have your attention called to that matter at that time?—A. No, sir; I know nothing about it at all.

Q. Have you ever heard anything of the charge made that those papers were kept out of the files for the purpose of keeping them out of that report?—A. I think I saw something of that kind during last year in a paper. I don't remember what paper it was.

Q. Who should have charge of the files in which his papers would be kept?—A. There was no claim at that time, I suppose.

Q. Yes, there was.—A. In the admitted files, then.

Q. In the admitted files?—A. Yes. sir; Mr. Baker has charge of the admitted files.

Q. What are his initials?—A. W. H. Baker; he is in the room here.

Mr. ENLOE. I will excuse you then, and call him.

TESTIMONY OF W. H. BAKER.

W. H. BAKER, sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. Age, 46; clerk in the Pension Office.

Q. What are your duties in the Pension Office?—A. I have charge of the admitted files.

Q. Do you know anything of the whereabouts of the papers of W. W. Dudley at the time the committee appointed by Secretary Noble to investigate the re-rating episode was making its investigation?—A. No, sir. There must have been a slip in the files at the time, a receipt and a stamp on them.

Q. Do you know whether they were in the files or not at the time?—A. No, sir.

Q. Do you know whether there was a slip in there or not?—A. No, sir.

Q. You don't know whether it was in or out?—A. I do not know.

Q. Have you ever heard any comment made on that matter?—A. No, sir.

Q. Any question raised as to where those papers were, and why Mr. Dudley's name did not appear in this list of re-rated people?—A very short time ago I read something in the papers about it.

Q. You had not heard of it before?—A. No, sir.

Q. How many clerks have you who have access to those papers?—A. There are sixteen clerks employed up there.

Q. Can any one of those clerks go and take papers out of the admitted files without consulting you?—A. They could do so; yes, sir.

Q. Did you ever hear that Mr. Garrison was charged with taking those papers out of the files?—A. No, sir.

Q. Never have had your attention called to that in any way?—A. Only in the newspaper article which I read at one time.

Q. Did you talk with Mr. Garrison then?—A. No, sir.

Q. You did not have any conversation with him on the subject?—A. No, sir.

Judge PAYSON. Who is Garrison; is he still in the force?

A. Yes, sir.

TESTIMONY OF J. S. GARRISON.

J. S. GARRISON, sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. I am 45; present residence, 623 E street NE.

Q. Your occupation?—A. I have charge of the files in the western division in this office.

Q. Do you know anything of the whereabouts of the files of W. W. Dudley at the time this committee appointed by Secretary Noble was making an investigation of the rerating episode?—A. No, sir.

Q. You know nothing about it?—A. No, sir.

Q. Was there anybody else there under you who had access to those papers, any other clerk?—A. No, sir; I do not think so. All the cases we get from the admitted files are drawn on slips and my name stamped on them. I don't think the case was drawn out, but it might have been. I have no knowledge of it.

Q. Are you aware that Mr. Dudley's name did not appear in this investigation?—A. I did not know anything about it until I saw a statement in the Star.

Q. Have you discussed it with any of the clerks in your division since?—A. No, sir.

Q. Make any inquiries in regard to it?—A. No, sir.

Q. If the papers had been in the files, can you account for it how this particular claim would fail to appear among those reported?—A. I have not the least idea of how that should be.

Q. Are you not the same Mr. Garrison whose case was commented on in a Tribune article—the New York Tribune—that created some commotion here?—A. Yes, sir.

Q. Was it your case that occasioned the dismissal of Mr. Renaud; it was, was it not?—A. I should say it was.

By Judge PAYSON:

Q. You have not any doubt about that action, the dismissal of Renaud?—A. No, sir.

By Mr. ENLOE:

Q. From what amount were you rated to what amount?—A. I was not rerated at all.

Q. You were not rerated?—A. No, sir.

Q. It was an original application?—A. Yes, sir.

Q. What was the disability?—A. Fractured shoulder, and chronic diarrhea, and piles.

Q. What was the amount of pension granted you?—A. Prior to that time, prior to the last issue, $6, I think.

Q. Was not that a rerating?—A. No, sir.

Q. You were just pensioned on an additional disability?—A. Yes, sir.

Q. Were those disabilities claimed for in the first application?—A. They were.

Q. But they were not allowed by the medical board?—A. No, sir.

Q. Then you had a subsequent examination and a rating given you on this examination?—A. Yes, sir.

Q. Had there been any increase in your disability from the time of the granting of the first pension to the second?—A. I think not.

Q. Then the action of the second medical board was in the nature of an overruling of the former?—A. No, sir; from the fact that I furnished further continuance.

Judge PAYSON. You mean additional proofs?—A. Yes, sir.

By Mr. ENLOE:

Q. You think the first rating was given you, and the reason they failed to give you a rating for these other disabilities you claimed was because it had not been established conclusively, the continuance of the disability?—A. Yes, sir; I suppose that was the reason.

Mr. ENLOE (to Mr. Bailey). Mr. Bailey, I will ask you to look at these files of papers and see whether there was a medical examination at the time of the rerating of Mr. Dudley?

Mr. BAILEY. I would rather you would call a member of the board.

Mr. ENLOE. All right. I wish you would call one.

TESTIMONY OF R. A. RAYBURN.

R. A. RAYBURN, sworn and examined.

By Mr. ENLOE:

Q. Doctor, state your age, residence, and occupation?—A. I am 37 years of age; residence, Washington, D. C. I am a physician. I am a first-class clerk in the Pension Office.

Q. I will ask you to look at these papers in the case of Gen. W. W. Dudley and see whether or not there was any medical certificate filed or medical examination made at the time he was granted additional pension in 1886? (Handing papers to witness.)

Judge PAYSON. It is suggested, Mr. Enloe, that Dr. Coolidge, who has had a larger experience in these matters, could tell quicker than Dr. Rayburn.

The WITNESS. I will get through here in about one minute. (Witness finishes examination of papers.) No, sir; there is no medical evidence here.

Q. In the regular adjudication of an application for an increase of pension is it usual to have a medical examination before granting it?—A. Yes, sir; in this class of cases it is necessary to have an examination with special instructions to the board, where it is a specific rating, to find out distinctly the grade of the disability.

Q. Does that record show what the increase was, what the original

pension was, and what the increase was? (Witness examines papers.)—A. There is nothing shown here. There is a piece torn off here. His pension was $30 a month and I think this was May 23, and it was increased to $36 a month under the act of 1886.

Q. Did that carry any arrears of pension with it?—A. That is a question I can not tell, sir, because I don't know anything at all about the arrears in this case.

Q. How long have you been a member of the medical board?—A. I was transferred up there two years ago last September.

Q. Have you ever had practical experience as a physician and surgeon?—A. Yes, sir; before I came here I was in the Indian service in California.

By Judge PAYSON:

Q. Where?—A. In California.

Q. In the Indian service?—A. Yes, sir.

Q. You were detailed simply for that board; you are not a regular member of the board?—A. No, sir.

Q. What experience have you had as a surgeon?—A. I was a graduate——

Q. I mean what practical experience have you had outside?—A. I practiced outside; general practice.

Q. Where?—A. Here in the city and have been ever since I have been a graduate.

Q. How long were you in the Indian service?—A. Nearly two years.

Q. How long have you been in the Pension Office?—A. It will be ten years the 22d of March next.

Q. And you were in the Indian service two years?—A. Yes, sir.

Q. That is, twelve years altogether?—A. Yes, sir.

Q. How long ago did you graduate?—A. One month before I went into the Indian service.

Q. Then you had no regular practice?—A. No, sir; not until I came back here.

Q. Do you practice outside now?—A. Yes, sir, because I could not get along on my salary.

Q. When was your attention first called to this matter?—A. Just now, sir; never saw it before.

Q. Have any conversation with anybody about it before?—A. No, sir; I have not.

TESTIMONY OF DR. THOMAS D. INGRAM.

Dr. THOMAS D. INGRAM, sworn and examined.

By Mr. ENLOE:

Q. Will you state your age, residence, and occupation?—A. I am 49 years old; at present medical referee of this Bureau.

Q. What State are you from?—A. Pennsylvania.

Q. How long have you been at the head of the medical board?—A. Since about the 1st, I think, of January, about the 10th of January, 1890. I have been in the Bureau since August, 1889.

Q. Will you look through the papers in the case of W. W. Dudley and state whether or not there was a medical examination had before granting the increased pension?

(Witness examines papers.)

(Question read by reporter.)

The WITNESS. There does not appear to be any evidence of a medical examination in the case.

By Mr. ENLOE:

Q. Where a pension has been granted on an application, such as Gen. Dudley filed in that case, as he filed for increase of pension, is it usual to grant the increase without any additional medical examination?—A. No, sir; the medical examination is usually ordered.

By Mr. LITTLE:

Q. Is there any rule governing such cases?—A. This was an increase——

Q. (Interrupting). Can you state the rule as you understand it?—A. This was an increase to be made under the act of August 4, 1886, where he was going to be pensioned for a specific disability. He would not have needed an examination had there been a careful examination in the case telling us exactly; that is, a recent examination, telling us exactly where the amputation was made. For instance, an amputation made below the knee would have been regarded as an amputation of the foot and under the act of August 4, 1886, would have been so regarded, but as no examination is necessary in such cases, we would have allowed the claim under the act of August 4, 1886, under such rules as that act directed. If the amputation had been above the knee it would still have gone under the act of 1886. The question would then arise as to the nearness to the hip joint, and under such circumstances we would have ordered an examination, and we would have had to do it for the purpose of finding out from what distance to the hip joint the amputation was made, and under the present practice of the office it would be a question whether it was about the middle of the thigh bone. Above the middle it is the rule to usually allow $45 and below the middle a $36 rating. The law reading that an amputation above the knee should be allowed at $36, if at the hip joint or so near as to prevent the use of an artificial limb, the claimant should be allowed $45. It has been decided by the honorable Secretary of the Interior that an amputation above the middle of the thigh bone is sufficient to prevent the use of an artificial limb. Under the practice to-day we should have ordered an examination. I might say, upon a recent decision of the honorable Secretary, we would order an examination to determine how near to the knee joint this was. Since he has in a recent decision held that the claimant was entitled to $36 because of the amputation being practically at the knee joint, because the language of the act does not specify joint, but that decision was not in force when this was allowed.

Q. Was there any rule at that time?—A. There was a rule in all cases where there are varying disabilities to have new examinations. I do not think there was a rule requiring specific examination in such cases, but the case would take the usual course then prevalent in the office, and I do not think it did.

Q. You don't think it did?—A. No, sir; I don't find any paper signed by the medical referee.

By Mr. ENLOE:

Q. That was at the time Commissioner Tanner was Commissioner of Pensions?—A. Col. Dudley's application was made the 8th of May, 1889, with which he furnished a letter.

By Judge PAYSON:

Q. Who was Commissioner at the date of the allowance of the pension

that we are talking about?—A. Commissioner Tanner. He furnished the letter with this diagram; May 18, 1889, was the date of his letter; that is the stamp of the receipt of it in the office. The case was evidently called for by his private secretary.

By Mr. BROSIUS:

Q. Who was the medical referee at that time?—A. That was May 21. I am not certain, it was just about the time that Dr. Campbell——

Q. Who was the medical referee?—A. He was.

Q. What was his first name?—A. John Campbell; I am not certain the exact date that Dr. McMillan came in.

By Judge PAYSON:

Q. He was a hold-over from the Cleveland administration?—A. Yes, sir; I find nothing in this case, except the slip bearing upon that question.

By Mr. DUNGAN:

Q. Nothing to show that it was ever to the medical referee?—A. Yes, sir; it was there. (Witness reads:) "Certificate No. 30766. William W. Dudley, lieutenant-colonel of the Ninth Indiana Volunteers. Mr. Commissioner, by your direction I have carefully examined the papers in this claim. The amputation is practically at the knee joint, bringing it within the act of August 6, 1886, and $36 should be allowed from that date. (Signed) J. E. Carpenter, M. D. Dated May 22, 1889."

The CHAIRMAN. What is the date of the application?—A. The date of the application was May 18, 1889. That is four days.

The WITNESS. Following this: "I concur in the above opinion. William M. Goodlove, Q. S." That means qualified surgeon. "(Signed.) Approved. Let action be taken at once. (Signed) James Tanner, Commissioner." And it is stamped: "Increased to $36 under the act of August 4, 1886." And it is stamped: "May 23, 1889." That action was taken by the finance division. It goes no farther than the finance division, and they put a stamp on it, stating from a certain date, allowing $36 from August 4, 1886.

By Mr. ENLOE:

Q. Then that brings him arrearages from August 4, 1886, up to the time of the filing of this application?—A. Up to the date of the payment and continuance thereafter of $36.

By Judge PAYSON:

Q. After looking at that application and the diagram attached to it, what would you say as to the office action being correct? Did they rate him right?—A. At that time and since that date the office did not allow $36 unless the amputation was at the knee joint.

By Mr. BROSIUS:

Q. Doesn't this certificate of Dr. Carpenter say that the amputation was practically at the knee joint?—A. Yes, sir; that is what it says.

Q. Isn't that a medical examination?—A. That is a medical opinion based upon—no medical examination appearing in the case it must be based upon some testimony in the case showing that the amputation was 2½ inches, I think; but I am not certain that there is any medical testimony which fixes the point of amputation.

By Mr. LITTLE:

Q. Then, if there is no medical testimony, the only evidence is the

appending sketch made by Dudley himself?—A. I do not think any surgeon testified; he makes a statement himself in his original application.

Q. Mr. Palmer, please read my question. (Question read by reporter.)—A. And his statement in his declaration for renewal of pension. He surrendered his certificate while he was in the office as clerk. The only evidence of the length of the stump was in his claim made in September 14, 1866, filed then for renewal, in which he said the stump—the amputation of the right leg was two and a half inches below the knee, and in his statement made May 18, 1889, in which he says the amputation was not at the knee. I will read this letter. He says: "Hon. James Tanner, Commissioner of Pensions. Dear Sir:—"

Judge PAYSON. I will put in the copies of all these papers and then it will show for itself what it is.

Mr. LITTLE. That answers my question, does it?

A. That is all I find.

By Mr. ENLOE:

Q. Will you explain the use of that blank to the committee? (Hands blank to witness.)—A. This is a blank made. It is an exact copy of all the blanks for making certificates upon. It is printed in different colored ink to be used by special examiners, merely to call attention that it is to be from the special examiner. It is to suggest that a special examination is made in the case.

Q. I want to ask you now, if, in a case like this, where there is an application for an increase of pension and reference is made to the last examination under which the increase is asked, what are the instructions that are given to special examiners to whom the case is given to investigate as to the condition of the claimant—what are the instructions given to them or to the board of medical examiners? Didn't you say a while ago that this should have been examined by a special board?—A. You mean in this case?

Q. Yes, sir.—A. No, sir. We would simply have written instructions, or the man would have been ordered for an examination before a board in the general way.

Q. What would be the object of that; what would be the duty of that board?—A. To find out the point of amputation and the condition of the limb, the general condition of the patient.

Q. And the board would have reported in this case what it found as to the place where the amputation occurred?—A. Yes, sir.

Q. And that is the evidence, according to the rules of the Department, which should have been required before this case was adjudicated?—A. I cannot say absolutely. It certainly would to-day, and would since I have been in the Bureau. What the practice was at that time, I don't actually think the case would have been adjudicated. I know it would not be to-day, nor since I have been connected with the board, without an examination.

Q. Did not the decision of the Secretary of the Interior to which you alluded a while ago enlarge to some extent the scope of the law, or at least liberalize the interpretation, so that you would make a more liberal rating than before that decision you explained a while ago?—A. The decision applied to a case similar to this, in which the amputation was near the knee-joint and in which the lower fragment was bent and anchylosised, and it was in that condition, and he said this was practically an amputation at the knee-joint.

Q. Before that was done it was necessary that the claimant should

show that the amputation had been at the joint?—A. Prior to that that had been the rule of the office.

Q. But this liberalized the rating or the interpretation of the act so that this could give to the claimant whose limb had been amputated within certain limits or certain distances of the joints?—A. Yes, sir, and turned back and anchylosised.

Q. Have you had any instructions from the Commissioner, in your division, either in December, January, or at any other time, in regard to delaying the progress of cases in their passage through the Bureau?—A. No, sir; on the contrary, my instructions have been to promote them.

Q. Can you account for the small number of certificates issued in the month of January, 1892. Was there any blockade in your division?—A. In January, 1892?

Q. Yes, sir.—A. Comparatively small number you mean?

Q. Yes, sir; the first week in January, 1892.—A. Have you got it from my report or the report of the certificate division?

Q. From the certificate division.—A. It would not represent my work, since there was some time between the two.

Q. It would represent your work in the month of December, the certificates in January?—A. I think so.

Q. Was there any special cause?—A. No, sir; unless it was absentees, taking their annual leave. The month of December is broken into by the clerks taking their annual leave.

Q. Have you had any intimation or instruction from the Commissioner or given any such to the medical board to cut down the ratings as low as possible?—A. No, sir.

Q. Nothing of that sort?—A. No, sir. The book of instructions is the foundation of our instructions and of all instructions to the medical board, and it speaks for itself.

By Judge PAYSON:

Q. What do you mean by that?—A. No instructions have been given.

Q. You have been following the law?—A. Yes, sir.

By Mr. ENLOE:

Q. How many members are there on your board?—A. We have in the neighborhood of 80 or 90. They vary by transfers; that is, including those who are authorized medical examiners and those detailed as acting medical examiners.

Q. What is about the average of work in the examination of cases to the medical examiners?—A. You mean in my division?

Q. Yes, sir.—A. We get out in the neighborhood of 1,500 cases per day. That does not mean 1,500 certificates; that includes cases rejected and in cases in which we have written medical opinions or ordered for examination. There are about that number of cases handled.

Q. About what average is that to the examiner?—A. I think we have probably on duty somewhere in the neighborhood of 40 examiners; that would make 40 cases, or in that neighborhood. Thirty-five to 40 is a full day's work to an examiner, and a reviewer can do half as much more or twice as much.

Q. Do you know whether it is a regulation that members of that board shall have any practical medical experience as physicians and surgeons before entering on their duties there?—A. If they come in under civil service rules. I don't think the civil service requires them to have practiced medicine. It determines their fitness by examina-

tion. Those that are promoted in the division get their promotion upon qualification.

Q. Do you know how many men you have there who have come in through the civil service, and who have had no practical experience?—A. It would be difficult to say exactly what their experience has been. Some men have had experience before graduating, that is, practice in hospitals. The men who are the most intelligent, the brightest men and the ones who catch onto the rules of the office the most promptly, are the men who are young men and recent graduates. They seem to be very well trained in the principles of medicine and of pathology which are involved here.

Judge PAYSON. At this point I want to offer and will offer full copies of these Dudley papers, and I wish them to go in evidence. Mr. Bailey will copy them or see that they are copied, and I also want to offer the papers in connection with the appointment of Dr. Little, and I want them to go into evidence.

The CHAIRMAN. All right; they will be received in evidence.

The following papers were here offered in evidence:

No. 47544. Acts of July 14, 1862, War 1861. William W. Dudley, Richmond, Wayne Co., Ind. Lieut. col. 19th Ind. Vols. Discharged April 9, 1864. Application filed July 27, 1864. Admitted July 18,'64, at $30 per mo. from April 9, 1864. C. O. T. Attorney, claimant. P. O., present.

Cert. No. 30766. Name, William W. Dudley, lt. col. 19 Ind. Vols. Transf'd May 24, 1889, to D. C. Admitted files May 25, 1889. Pension Office.

District of Columbia. Cert. No. 30766. William W. Dudley, lt. col. 19 Ind. Vols. Original roll: Washington City. Issued July 20, 1864. Rate and period, $30, from Apl. 9, 1864. Sent to pensioner. Box 916, present. Act July 14, 1862. Book G, Vol. 1, page 150. N. D. Larner, clerk. Disability: Loss of right leg. Sent.

Disch. sent to pensioner. Voucher filed Nov. 26, '66. F. E. Foster. Voucher returned to pensioner by order of the Commr. and subsequently filed herewith. As to copies of evid. furnished see within May 7, 1867. F. E. Foster 1872, Oct. 5. Commutation order No. 8350. Dec. 11, 1872. To pensioner ret. cert. with information that he is not entitled to any increase of pension under the act of June 8, 1872. Aug. 6, 1879, claim for arrears under act of Jany. 25 and Mch. 4, 1879, rejected. F. J. B. Jany. 21, 1880, P. O. order to pay pension withheld for civil service, Moy. Jany. 21, 1880. Sec. Int. for dates of entry into and dis. from Dept., Moy. Jany. 28, 1880. 3 Aud. Sec. Int. letter reporting service in Int. Dept., Moy. Inc. to $36, May 23, 1889. Auct. August 14, 1886.

No. 30766. *Renewal.* Indiana. William W. Dudley, lt. col. 19th Inda. Vols. Indianapolis agency. Rate per month, $30, commencing 30th Jan., 1866. Certificate dated 27 Nov. 1866. Sent to claimant, Richmond Wayne Co., Ind.

DISTRICT OF COLUMBIA,
County of Washington, ss:

On this 24 day of June, 1864, personally appeared before me, a notary public in the county and District aforesaid, William W. Dudley, aged 23 years, a resident of Richmond, county of Wayne, in the State of Indiana, who being duly sworn, declares that he is the identical William W. Dudley who enlisted in the service of the United States at Richmond, in the State of Indiana, on the sixth (6) day of July, 1861, as a captain in Company B, commanded by ———, in the 19 Regiment of Indiana Vols., in the war of 1861, and was honorably discharged on the 9th day of April, 1864. That while in the service aforesaid, and in the line of his duty, he received (while holding the regular grade of lieut. col.) at the battle of Gettysburg, Pa., on the 1st day of July, 1863, a wound which caused amputation of the right leg. He makes this application for a pension, provided by the act of Congress approved July 14, 1862.

Signature of claimant:

WILLIAM W. DUDLEY.

Also personally appeared before me, H. L. Jones and I. M. Blanchard, residents of Washington City, county of Washington and District of Columbia, to me well known as credible persons, who being duly sworn, declare that they were present and saw said William W. Dudley sign his name to the foregoing declaration, and that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the identical person he represents himself to be, and that his character and habits are good, and that his occupation is that of a clerk, and they further state that they have no interest in the prosecution of this claim.

Signature of witness:

H. L. JONES.
I. M. BLANCHARD.

Sworn to and subscribed before me this 25th day of Jan., 1864; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

Official signature.

[SEAL.] JOHN S. HOLLINGSHEAD,
Notary Public.

(Indorsed:) Department of the Interior, June 27, 1864. Pension Office.

Circular No. 1.

DEPARTMENT OF THE INTERIOR,
PENSION OFFICE,
July 18th, 1864.

SIR: Before the claim of Wm. W. Dudley, No. 47544, under the act of July 14, 1862, for a pension, can be considered, the post-office address of the claimant must be furnished to this office over the signature of the claimant. In large cities the street and number of the claimant's residence must be given.

No oath required.

Respectfully yours, JOS. H. BARRETT,
Commissioner.

My P. O. address is as follows: Lt. Col. Wm. W. Dudley, Box No. 916, Washington, D. C,

Attest:
C. C. THOMPSON.

N. B.—Endorse the words "additional evidence" upon the envelope of all papers addressed to this office upon business already before it; also the number of the application to which they refer, and the name of the claimant and of the State where he resides.

Please ask for surgeon's certificate on which the original leave of absence was granted in August, 1863.

WM. W. DUDLEY,
Lt. Col. 19th Ind. Vols.

WASHINGTON CITY, D. C., *June 29, 1864.*

I hereby certify on honor that I am personally acquainted with Lt. Col. William W. Dudley, late of the 19th Indiana Volunteers; that I served in the same brigade with him for more than one year, and that I was in the same brigade with him at the battle of Gettysburg, July 1st, 1863; that said Dudley was with his regiment on the 1st day of July aforesaid, and was wounded in battle; that in consequence of said wound he sufferd an amputation of his right leg.

HENRY A. MORROW,
Colonel 24th Michigan Volunteer Infantry.

(Indorsed:) Department of the Interior. Pension Office, July 1, 1864. Additional evidence. Indiana case. Wm. W. Dudley, col. 19th Ind. Thompson. Mr. Jackson: Please No. and ex'n claimant. C. C. Thompson. D. Thomp. 47544. Chg'd to Thompson.

HOSPITAL 4TH DIV., 5TH A. C., A. P.,
Near Petersburg, Va., July 15, 1864.

I certify that Wm. W. Dudley, lieut. colonel of the 19th Regt. Ind. Vols., was wounded at the battle of Gettysburg, July the 1st, 1863, by a minnie ball, fracturing the fibula of right leg. 3 inches of the bone was resected by me 2 days after the injury. Gangrene of the wound and secondary hemmorrhage followed, for which his leg was amputated at Littlestown, Pa., where I saw him after the operation. I believe to the best of my knowledge that amputation was imperatively necessary to save the lieut. col.'s life.

Respectfully,

J. EBERSALE,
Surg. 19th Ind. Vols., in charge 4th Div. Hospital, 5th A. C., A. P.

CERTIFICATE OF DR. THOS. O. KINGER, LITTLESTOWN, PA.

LITTLESTOWN, PA., *July 11, 1864.*

I hereby certify that on the 9th day of July, 1863, I found Lieut. Col. W. W. Dudley, of the 19th Ind. Vols., at the house of Ephraim Myers, esqr., in Littlestown, Pa., suffering from a secondary hemmorrhage of the artery in right leg below the knee, and a resection having been performed, sloughing and gangrene ensued, making amputation absolutely necessary in order to save his life. That I myself performed the operation on the 9th day of July, 1863, and that he remained under my charge until the 27th day of August, 1863, when he was removed, he having received a leave of absence from the War Department.

T. O. KINGER, M. D.

No. 30766.

DEPARTMENT OF THE INTERIOR. INVALID PENSION.

I certify that in conformity with the law of the United States, Oct. 4, July, 1862. William W. Dudley, late a lieut. colonel of the 19th Regt. Indiana Vols., is inscribed on the pension list, roll of Washington City, D. C., agency, at the rate of thirty dollars per month, to commence on the ninth day of April, one thousand eight hundred and sixty-four. No sale, transfer, or mortgage of any description whatever, of the whole or any part of the pension payable in virtue of this certificate, is of any legal or binding force against either the pensioner or the United States. Biennial examinations not required.

Given at the Department of the Interior this twentieth day of July, one thousand eight hundred and sixty-four.

[SEAL.]

J. P. USHER,
Secretary of the Interior.

Examined and countersigned.

JOSEPH A. BARRETT,
Commissioner of Pensions.

(Indorsed:) Payable semiannually on the 4th of March and 4th of September, at Washington City, D. C., by H. G. Fant. esq. File. Registered in book G, Vol. 1, page 158, by N. D. Larner, clerk.

RICHMOND, IND., *Sept. 10th, 1866.*

FRIEND PIERSON: Will you do me the favor to shove along my claim for renewal, herewith enclosed, as fast as possible, as I need both the proceeds of the claim and also my order of discharge right away, in order to make all my settlements with Gov't, and greatly oblige

Your old friend and fellow clerk,

WM. W. DUDLEY.

Soon to be clerk Wayne Co. circuit courts if "my policy" don't prevail here, as it won't.

(Indorsed:) Department of the Interior. Pension Office. Sept. 14, 1866.

DECLARATION FOR RENEWAL OF INVALID ARMY PENSION.

STATE OF INDIANA,
County of Wayne, ss:

On this 18th day of September, A. D. one thousand eight hundred and sixty-six, personally appeared before me, Moses D. Leeson, clerk of the circuit court within and for the county and State aforesaid, William W. Dudley, aged 26 years, a resident of Richmond, in the county of Wayne, in the State of Indiana, who, being duly sworn according to law, declares that he is the identical William W. Dudley who enlisted in the service of the United States at Richmond, county of Wayne, State of Indiana, on the 6th day of July, in the year 1861, as a captain in Company "B," commanded by captain himself, in the Nineteenth Regiment of Indiana Volunteers, in the war of 1861, to serve three years, or during the war, and was honorably discharged on the 9th day of April, in the year 1864; that while in the service aforesaid, and in the line of his duty, at a place called Gettysburg, in the State of Pennsylvania, on the 1st day of July, 1863, he was wounded in the right leg, halfway between knee and ankle joint, causing amputation of right leg 2½ inches below knee; that he received pension from the 9th day of April, 1864, to the 4th day of March, 1865, when in conformity to the law, contained in the 1st section of an act of Congress approved March 3, 1865, he surrendered his certificate of pension, that he continued in the civil employ of Government, as clerk in the Pension Office, Washington, D. C., till April 1st, when he was mustered into the military service as capt. Veteran Reserve Corps; that he was mustered out of said military service of the Government, by Special Order No. 437, series 1866 (a copy of which is filed herewith, being the original order reserved by him), on June 30, 1866.

Since leaving the service he has resided at Richmond, the county of Wayne, in the State of Indiana, and his occupation has been nothing, being for the most part of the time unable to do any labor, mental or physical.

When enrolled he was a merchant, and for the purpose of prosecuting his claim he hereby appoints ——— ———, ———, State of ———, his attorney in fact, with power of substitution, and with authority to receive his pension certificate. He request that his pension be paid at Indianapolis, State of Indiana. His post-office address is Richmond, county of Wayne, and State of Indiana.

WM. W. DUDLEY.

Witnesses:
JOHN W. FOULKE.
JOHN SIM.

Also personally appeared John W. Foulke, a resident of Richmond, Wayne County, State of Indiana, and John Simm, also a resident of Wayne County, State of Indiana, persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw Wm. W. Dudley sign his name to the foregoing declaration, and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with him, that he is the identical person he represents himself to be; that they have known him for five years last past; that prior to enlistment he was a merchant; since leaving the service his habits have been uniformly good, and his occupation has been unable to perform manual labor.

They further state that they have no interest in the prosecution of this claim.

Signatures of witnesses:

JOHN W. FOULKE.
JOHN SIM.

Sworn to, acknowledged, and subscribed before me this 10th day of September, 1866, and I hereby certify that the contents of the foregoing declarations of claimant and affidavit of witnesses was made known to each of them before administering the oath; and that I have no interest, direct or indirect, in the prosecution of this claim, and that all erasures and interlinations were made before the signatures or execution of the above.

MOSES D. LEESON,
Clk., W. C. C.

(Indorsed:) Department of the Interior. Pension Office. Sept 14, 1866. Renewal of invalid pension No. ——. Claim of Wm. W. Dudley, capt. 19th Regt. Ind. Vols. P. O., Richmond, Wayne County, Indiana.

FORM OF APPLICATION FOR AN ARTIFICIAL LIMB, OR FOR COMMUTATION FOR THE SAME, TO BE FORWARDED TO THE SURGEON-GENERAL, WASHINGTON, D. C.

I, William W. Dudley, being duly sworn, do declare that I am the identical William W. Dudley who was a lt. col. in Co. —, 19th Regt. Indiana Vols., and that I lost my right leg by reason of a gunshot wound received at Gettysburg, Pennsylvania, on or about the first day of July, 1863; that I have not received from the United States an artificial leg, and that I am in receipt of a pension on certificate No. 30766, which is paid to me by the pension agent at Indianapolis, Indiana; and I now make application for commutation under the provisions of the act approved June 17, 1870, and June 12, 1872, and I desire to have the same sent to me.

WILLIAM W. DUDLEY.
(Claimant's signature.)

Post-office address: Town, Centreville; County, Wayne; State, Indiana.

Sworn to and subscribed before me, in the town of Centreville, Indiana, Wayne County, this 12th day of August, 1872.

[SEAL.] CALVIN B. WALKER,
Notary Public.

The following certificate is to be signed by the pension agent who pays the pension of the applicant:

I certify that from evidence presented me I am satisfied that the above-named William W. Dudley is the identical William W. Dudley late of Co. —, 19th Regt. Ind. Vols., as represented; and I further certify that his statements in regard to his receipt of a pension are correct.

Indianapolis, Ind., August 13, 1872.

C. W. BRONSE,
Pension Agent.

SURGEON-GENERAL'S OFFICE,
Washington, September 7, 1872.

I certify that the within-named William W. Dudley, late a lieutenant-colonel 19th Regt. Indiana Vols. is entitled to the value of an artificial leg.

By order of the Surgeon-General:

J. S. BILLINGS,
Assistant Surgeon, U. S. Army.

(Indorsed:) Department of the Interior. Pension Office, Sept. 9, 1872.

STATE OF INDIANA,
Wayne County, ss:

I, Wm. W. Dudley, clerk of the circuit court within and for the county of Wayne aforesaid, do hereby certify that Calvin B. Walker, esq., whose certificate of acknowledgment appears to the instrument of writing to which this is attached, was, on the date and at the time of making said certificate, to wit, the 12th day of August, 1872, a notary public within and for said county, duly commissioned and qualified, and that full faith and credit ought to be given to his official acts; that the signature purporting to be his is genuine, and that said certificate is executed in accordance with the laws of the State of Indiana.

In witness of which I hereunto affix the seal of said court and subscribe my name at Centreville, this 12th day of August, 1872.

[SEAL.] WM. W. DUDLEY,
Clerk.

Hon. J. A. BENTLEY,
Commissioner of Pensions:

I, William W. Dudley, a pensioner under pension certificate No. 30766, hereby apply for the arrears due me under the act granting arrears of pension, approved January 25, 1879. My post-office address is Indianapolis, Indiana.

WM. W. DUDLEY,
Late Lieut. Col., Nineteenth Ind. Vol.

H. A. ALFORD.
BEN. D. HOUSE.

STATE OF INDIANA,
County of Marion:

Signed in my presence by William W. Dudley, who is known to me to be the person he describes himself to be, and at the same time he exhibited to me his pension certificate, which is numbered 30766.

FRED KNEFLER,
U. S. Pension Agent, Indianapolis, Ind.

FEBRUARY 26, 1879.

(Indorsed:) 30766. Department of the Interior, Pension Office, March 1, 1879. Dis. April 9, 1864. Pen'd fr. April 9, 1864.

[William W. Dudley, attorney and counsellor at law, Pacific Building, 622 F street, NW., Washington, D. C.]

Hon. JAMES TANNER,
Commissioner of Pensions:

DEAR SIR: I immediately upon the passage of the act of August 6, 1886, granting a pension of $36 per month to those who had lost a leg at or above the knee or were permanently and totally disabled in the same, applied to Commissioner Black for the new rate. He held that my amputation was not "at the knee," and refused to grant the new rate. I know not why he should have so held. I think his ruling erroneous. My leg is now amputated practically at the knee, inasmuch as the fragment below the articulation of the knee is useless, being flexed backward and ankylosed in that position, destroying all knee motion, and forcing me to to flex my knee by artificial means in wearing a wooden leg. Certainly the total and permanent ankylosis of my knee should be regarded as being "totally and permanently disabled in the same," if not regarded as an amputation.

I append a diagram of my stump. I claim as justly due to me, as coming within the letter and spirit of the act of August 6, 1886, pension at the rate of $36 per month, and respectfully ask a reissue of certificate No. 30766, accordingly.

Very respectfully,

WM. W. DUDLEY.

DEPARTMENT OF THE INTERIOR,
Washington, Jany. 9th, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: I return herewith the papers in the case of William W. Dudley, No. 30766, called for some time since for examination, to be returned to the files.

Very truly yours,

CYRUS BUSSY,
Assistant Secretary.

(Indorsed:) Law division B. Received Jany. 12, 1892. P.

BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
May 21, 1889.

No. cert. claim, 30766. Wm. W. Dudley, Lt. Col. Co. —, 19 Regt. Ind. Vols. Action and order. Admitted files. Send papers. George B. Squires, private secretary. Admitted files, Pension Office, May 21, 1889.

CLERK'S OFFICE,
Wayne County, Centreville, Ind., April 26, 1867.

Hon. JOSEPH H. BARRETT,
Commr. of Pensions, Washington, D. C.:

DEAR SIR: Your very kind and welcome letter came to hand yesterday. I fear I have already trespassed too far upon your valuable time, and will only intrude for a moment to thank you for the kind interest you have taken in my legal difficulties, and to say that I am assured by Judge Johnson, Leeson's atty. in this matter, that the case shall never come to trial, but shall be dismissed as soon as possible. He told me that, with the evidence they had thought would be against me, being on

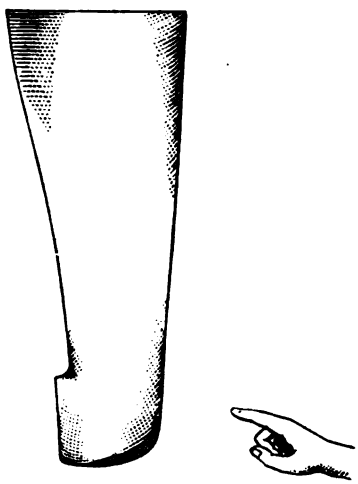

Diagram of stump of right leg, as left by amputation and as fixed by ankylose, of knee joint.

WM. W. DUDLEY,
Late Lieut. Col. Nineteenth Ind. Vols., Brvt. Brig. General, U. S. A.

Certificate No. 30766.

examination just the reverse, all Leeson's hopes of success had perished, and he now only sought a good mode of egress from the dilemma in which he found himself, with the only plank on which he stood dropped and gone. This, I sincerely hope, has ended the abortive attempt to prove that a soldier loses any of his rights by being absent from his home in the field.

You say that copies of my declaration were furnished to my opponent, directed to me as clerk, in a sealed envelope. I have seen nothing of them. They should have been filed by me, and not opened until the day of trial, same as a deposition. Will you be kind enough to have a certificate made, under the seal of the Department, of the fact of their having been delivered to M. D. Leeson, or his agent, in a sealed package, addressed to the clerk of the Wayne circuit court, in compliance with an order therefrom? If you can do this I shall be able to ask him the unpleasant question as to the reason of the package not having been delivered to me, and as to his right to open it without the consent of the court. A man can never tell when he is rid of a rascal, so I may not be yet rid of this one, but I sincerely hope that I am.

Again let me thank you, sir, for your kindness to me in this affair, as in all others when we have come in contact, and remain,

Very respectfully, your obt. serv't,

WILLIAM W. DUDLEY.

(Endorsem't:) Sent certificate of Commr. that this office had previously furnished authenticated copy of the original application, in accordance with request within. May 7, '67. F. E. Foster.

[The Western Union Telegraph Company. Dated Centreville, Ind., July 29, 1867. Received at Washington July 29.]

To Hon. JOSEPH H. BARRETT,
Comr. Pensions:

Send copy of original declaration for pension immediately; trial comes off August fifth. Copy given Leeson is withheld by him. Will send copy of order of court by mail.

WM. O. DUDLEY,
Clerk.

29 cd., 432, paid.

[Endorsement:] Copy of declaration as required within (certified by Commissioner and Secretary of the Interior) sent this day, July 30, 1867. G. E. Webster.

CLERK'S OFFICE,
Wayne County, Centreville, Ind., August 3, 1867.

Hon. JOSEPH H. BARRETT,
Commissioner of Pensions, Washington, D. C.:

DEAR SIR: The copy of my original declaration for pension is received. Please accept my thanks. It will settle the matter beyond controversy on Monday. Will advise you of the result. I enclose the copy of order of court spoken of in the telegram.

Very respectfully, your obt. serv't,

WILLIAM W. DUDLEY,
Clk.

W. C. C.

[Endorsed:] Department of the Interior, Pension Office, Aug. 8, 1867.

APPLICATION FOR A TRANSFER.

STATE OF WASHINGTON,
County of D. C., ss:

On this 24th day of May, 1889, before me, a notary public, personally appeared William W. Dudley, who, being duly sworn, declares that he is now, and has been for the last preceding twelve months, a temporary resident of Washington, D. C.,

that he is the same person who, as lt. col. of 19th Ind. Vols., placed on the list of invalid pensioners at the rate of thirty dollars per month; that the number my pension certificate is 30766; that he was last paid at the Indianapolis Pension Agency, to the 4th day of March, 1889; and that he hereby requests a transfer of his name to the rolls of the Washington, D. C., agency.

His post-office address is 622 F street, Washington, D. C.

WILLIAM W. DUDLEY,
Pensioner or Guardian.

Sworn to and subscribed before me the day and year aforesaid.

SARAH S. SAMPSON,
Notary Public.

(Indorsed:) Transf'd May 24, '89.

[Cert. 30766. William W. Dudley, lt. col. 19th Ind. Vols.]

MR. COMMISSIONER: By your direction I have carefully examined the papers in this claim. The amputation is practically at the knee joint, bringing it within the letter and spirit of the act of Aug. 6, 1886, and $36.00 should be allowed from that date.

J. E. CARPENTER, M. D.,
Med. Rev.

MAY 22, 1889.

I concur in the above opinions.

WM. M. GOODLOVE, *Q. S.*

App'd. Let action be taken at once.

JAMES TANNER,
Commissioner.

Renewal. War of 1861. Act July 14, 1862. Brief in case of William W. Dudley, lt. col. of Company —, 19th Regiment Indiana Vols. Post-office address of applicant, Richmond, Wayne Co., Ind. Enlisted July 6, 1861, discharged April 9, 1864. Renewal claim for invalid pension. Declaration and identification in due form. Proof exhibited. Pensioned July 20, 1864, $30. Since July Increased to $36 May 23, 1889. Act August 4, 1886. Reënlisted Capt. V. R. Corps, April 1, 1865. Discharged June 30, 1866. Biennial ex. not required. Admitted Nov. 23, 1866, to a pension of $30 per month, commencing June 30, 1866. Disability total. Disabled by loss of right leg.

Claimant, ——— ———, Richmond, Wayne Co., Ind. Name and residence of agent. W. E. Trask, examining clerk.

30766. War of 1861. Act July 14, 1862. Brief in case of William W. Dudley, lieut. col. of 19th Regiment Indiana Vol. Post-office address of applicant: Box 916, Washington, D. C. Enlisted July 6, 1861. Discharged April 9, 1864. Claim for an invalid pension. Declaration and identification in due form. Proof exhibited. Claimant alleges amputation of right leg in consequence of wounds rec'd at the battle of Gettysburg, Penn., July 1, 1863.

Adjt. General certifies that said Dudley is reported "wounded in action July 1st, 1863," on the rolls filed in his office, and further that Lieut. Col. Wm. W. Dudley is honorably discharged from April 9, 1864, on account of disability from wounds rec'd in action, by order of the Secretary of War, by special order No. 143, and further that said Dudley was mustered in as lt. col. from July 29, 1861. Henry A. Morrow, col. of 24th Regt. Mich. Infty. Vols., certifies that he served in same brigade with said Dudley at the battle of Gettysburg July 1st, 1863, and that said Dudley was wounded in battle on said day, and that in consequence of said wound he suffered amputation of his right leg.

Dr. J. Ebersole, surg. 19th Regt. Ind. Vols., certifies that said Dudley was wounded at the battle of Gettysburg July 1, 1863, by a minnié ball fracturing the fibula of right leg. Three inches of the bone was resected by him, and further that two days thereafter gangrene and secondary hemorrhage followed, and amputation became necessary to save his life. Disability, total.

Admitted July 18th, 1864, to a pension of $30.00 per month, commencing April 9, 1864. Biennial examination not required. Disability, total. Disabled by loss of right leg. Applicant. Name and residence of agent. C. O. Thompson, examining clerk. Approved July 17, 1864. B.

ADJUTANT-GENERALS' OFFICE,
Washington, D. C., July 8th, 1864.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 47544, and to return it herewith, with such information as is furnished by the files of this office.

The indorsed muster-in roll of Lieut. Col. William W. Dudley, 19th Regt. Ind. Vols., is genuine, being a duplicate of one on file in this office. On the muster-roll of field and staff of that regiment for the months March and April, 1864, he is reported: "Discharged, by S. O. 143, War Dept., April 9, 1864."

I am, sir, very respectfully, your obedient servant,

SAMUEL BRECK,
Assistant Adjutant-General.

[No. 47544. Circular No. 5.]

PENSION OFFICE,
July 7th, 1864.

SIR: Please examine the inclosed certificate of muster-in of Lt. Col. W. W. Dudley of the 19th Regiment of Ind. Vols., and return the same with a report as to his rank and the genuineness of the document. Also report the date of muster-out of the same.

Respectfully, yours,

JAS. H. BARRETT,
Commissioner.

L. THOMAS,
Adjutant-General, U. S. Army.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., July 9, 1864.

SIR: I have the honor to acknowledge the receipt from your office of application for pension, No. 47544, and to return it herewith with such information as is furnished by the files of this office. On the muster roll of F. and S. of the Regiment 19th Indiana Vols. for the months of July and August, 1863, Lieut. Col. William W. Dudley is reported "Absent; wounded in action July 1, 1863," and on the muster rolls of F. and S. for the months March and April, 1864, he is reported "discharged by S. O., 143, War Dept., April 9th, 1864," nature of wounds not stated.

I am, sir, very respectfully, your obedient servant,

SAMUEL BRECK,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

[No. 47544. Circular No. 7.]

DEPARTMENT OF THE INTERIOR,
PENSION OFFICE,
July 7, 1864.

SIR: In the case of Wm. W. Dudley, late lt. col. of 19 Regiment, Ind. Vol., it is respectfully requested that you furnish this office whatever evidence the rolls of said regiment may afford as to the applicant's disability discharged April 9, '64.

Respectfully, yours,

JOSEPH H. BARRETT,
Commissioner.

ADJUTANT-GENERAL, U. S. A.,
Washington, D. C.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., July 12th, 1864.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 47544 and to return it herewith with such information as is furnished by the files of this office. On the muster roll of field and staff of the regiment, 19th Ind. Vols., for the months of September and October, 1863, Lieut. Col. William W. Dudley is reported "Absent; wounded at Gettysburg, July 1st, 1863." Nature of wounds not stated.

I am, sir, very respectfully, your obedient servant,

SAMUEL BRECK,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

[Circular No. 7.]

PENSION OFFICE,
July 11, 1864.

SIR: In case of Wm. W. Dudley, lieut. col. 19 Regiment Ind. Vols., it is respectfully requested that you furnish this office whatever evidence the rolls of said regiment may afford as to the applicant's disability.

He alleges amputation of right leg from wounds rece'd July 1st, 1863.

Respectfully, yours,

JOSEPH H. BARRETT,
Commissioner.

ADJUTANT-GENERAL U. S. A.,
Washington, D. C.

1313 14TH STREET NW., WASHINGTON, D. C.,
April 10, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: I have the honor to apply for a position as examining surgeon for pensions in the District of Columbia.

I have been in active practice in the District for 18 years, and can furnish any testimony necessary as to my ability to fill the position asked for.

Very respectfully,

JOSEPH W. LITTLE, M. D.

REAL ESTATE AND INSURANCE
OFFICE OF TYLER & RUTHERFORD,
1307 F Street Northwest, Washington, D. C., April 10th, 1891.

Genl. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: I understand that Doctor J. W. Little, of this city, is an applicant for the position of pension examiner, made vacant by the death of Dr. J. O. Stanton.

Doctor Little has been a practicing physician in this Dist. for more than 18 years. He made a splendid record in the late war, in which he received a severe wound from which he is still a great sufferer. I know him to be a gentleman of sterling integrity and high standing in his profession, and I am sure his appointment would serve in a very high degree the best interests of the public service. In view of Dr. Little's honorable record and sufferings in the late war, as well as my personal friendship for him, I should be greatly pleased to learn of his appointment. I am sure he would make a capable and conscientious officer.

Very respectfully yours,

RICHARD W. TYLER.

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328 MASSACHUSETTS AVENUE, EAST, WASHINGTON, D. C.,
April 11, 1891.

Hon. GREEN B. RAUM:

DEAR SIR: Having been informed that the name of Dr. J. W. Little will be presented to you in connection with the vacancy caused by the death of Dr. Stanton, I desire respectfully to attest Dr. Little's personal worth and professional ability. He is an ex-soldier of the war of the rebellion and a staunch Republican.

Very truly yours,

JOHN CHESTER.

[Telegram.]

OHIO PYLE, PENN., *April 14, 1891.*

COMMISSIONER OF PENSIONS:

(Care Dr. J. W. Little, 1313 14th St.):

Please appoint Dr. J. W. Little as a pension examiner, for which he has an application on file in your office.

ANDREW STEWART.

WASHINGTON, D. C., 1323 R ST.,
April 14, 1891.

Genl. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: I understand that Dr. J. W. Little, of this city, has made application for the position of examiner, vice Dr. Stanton, lately deceased. It gives me great pleasure to recommend Dr. Little. I have been acquainted with him for the last eight years, part of which time he has been a member of my congregation. He has an extensive practice, bears the confidence of a large and cultivated community, and is a most worthy gentleman. I believe that he is in every way eminently qualified for the place for which he makes application.

Very respectfully,

G. B. PATCH,
Pastor of the Unity Pres. Ch.

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC,
1412 Penn. Avenue NW., Washington, D. C., April 20, '91.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: Understanding that Dr. J. W. Little, of this city, has an application on file in your office for a position as pension examiner in the District of Columbia, we beg to assure you of our belief of his fitness for the position. Dr. Little stands well in the Grand Army, and his staunch Republican principles are beyond question.

A. F. DINSMORE,
S. V. Dept. Comdr.
A. S. TABER,
J. V. D. C. Dept. of Pot.
JOHN G. SLATER,
J. M. EDGAR,
Post Commander Post 2, G. A. R.
S. I. BRADLEY,
1315 14th St. NW.

1322 NEW YORK AVENUE, *April 21, 1891.*

Hon. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: Understanding Dr. J. W. Little, of this city, is an applicant for the position of pension examiner for the District of Columbia, I take great pleasure in recommending his appointment. I have known the doctor well for many years; he has a high professional standing, is very attentive to his duties, and is a good Republican.

Very respectfully,

W. S. THOMPSON.

So do I.

MYRON M. PARKER.
E. KURTZ JOHNSON.

I cheerfully recommend Dr. J. W. Little for the position of pension examiner for the District of Columbia.

WM. B. GURLEY,
No. 1335 F. St. NW.
B. H. WARNER.

It affords me pleasure to recommend Dr. J. W. Little for the position he is applicant for.

J. R. HERTFORD.

OFFICE OF H. A. GRISWOLD,
Anacostia, D. C., April 22, 1891.

Honorable GREEN B. RAUM,
Commissioner of Pensions, Washington:

SIR: Dr. Joseph W. Little, applicant for position as pension examiner, I have known intimately for many years and all that time as a firm believer in the principles of the Republican party, loyal and unwavering in the support of its measures and leaders. I have the honor to be, sir,

Very respectfully, your obedient servant,

H. A. GRISWOLD.

TREASURY DEPARTMENT,
Washington, April 22, 1891.

Gen. GREEN B. RAUM,
Commissioner of Pensions:

MY DEAR GENERAL: I am informed that the name of my friend, Dr. J. W. Little, has been presented for the position of examining surgeon for pensions for the District of Columbia, a place made vacant by the death of Dr. Stanton. I have known Dr. Little personally for twenty years. He has devoted himself with much earnestness to his profession until he has gained a substantial practice. He enlisted in the war when he was a very young man, served faithfully until severely wounded, from the effects of which he has never recovered. During the years since he has been a steadfast Republican, and has many friends who would be extremely gratified by the success of his application for the position named. I desire to add an expression of my own earnest wishes in his behalf, and am,

Very truly, yours,

C. M. HENDLEY.

I beg to concur in Mr. Hendley's wishes in the matter.

EDWIN C. CUTLER.
A. W. WILLIAM.

I heartily endorse all that is said in recommending Dr. Little for the position which is referred to above.

BENJ. F. DAVIS.

I should be glad to hear that Dr. Little received the appointment, as I believe him in every way a competent and deserving applicant.

J. S. WIMER.

HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., April 28, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions, Washington, D. C.:

MY DEAR GENERAL: Having been advised that Dr. Joseph W. Little had made application for appointment as medical examiner and to the vacancy caused by the death of Dr. Stanton, I beg to unite with prominent gentlemen in commending him to your favor. I know that the selection of Dr. Little would be appreciated, he being a Pennsylvanian, by many of your friends in our State, and I am sure by none more highly than myself.

Very faithfully, yours,

A. C. HARMER.

DEPARTMENT OF LABOR,
Washington, D. C., April 29, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions, Washington, D. C.:

SIR: I have been informed that my friend, Dr. J. W. Little, of this city, is a candidate for the position of examining surgeon for pensions for the District of Columbia. I am gratified to know that Dr. Little is a candidate for this position. I have known him nearly six years, and believe him to be a man not only of thorough integrity, but possessing the capacity and attainments necessary for the position for

which he is a candidate, and it is a pleasure to add my testimony to that of others in his favor.

I am, very respectfully,

CARROLL D. WRIGHT.

I cheerfully recommend the appointment.

J. W. THOMPSON.
J. J. BROWNING.
JUSTIN S. MORRILL.

I concur-

G. G. CORNWELL.
I. I. WILLIAMS.

I take pleasure in joining with Senator Morrill and the other gentlemen in recommending the appointment of Dr. Little to the position he desires. He is a native of Pennsylvania, served in the Army during the war, having been wounded in the service. I assure you his appointment would be gratifying to me.

M. S. QUAY.
C. D. CAMERON.

I cordially recommend this appointment.

A. M. CLAPP.

OFFICE OF ASSISTANT U. S. DISTRICT ATTORNEY,
Washington, D. C., April 29, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: I learn that Dr. J. W. Little is an applicant for appointment to the position of examining surgeon in pension cases. I take pleasure in saying that I have known Dr. Little for twenty years. He has been attentive and faithful in the practice of his profession; of good habits, prompt and reliable. I should think from the experience he has had, and from his fidelity to his work and the success he has had, that he would make an admirable officer.

Very respectfully,

C. H. ARMES.

BEAVER, PA., *May 5, 1891.*

Hon. GREEN B. RAUM,
Commissioner of Pensions:

MY DEAR SIR: I am very desirous for the appointment of Dr. J. W. Little to the board of pension examiners for the District of Columbia, in which I understand a vacancy exists. Dr. Little is from Pennsylvania, is a most worthy and respectable man, and a gentleman of good standing in his profession. His selection for the place he seeks would be very pleasing to me, and I will be greatly obliged if you can favor him in the matter.

Yours, very truly,

M. S. QUAY.

GEN. BUTTERFIELD—Recalled.

By Mr. ENLOE:

Q. General, are you acquainted with the departmental order in regard to examinations for promotion in the classified service?—A. Yes, sir; to a certain extent. We are not all—we have not had it long enough to be very familiar with it.

Q. Has there been any order issued prohibiting special examiners from competing for promotion in the classified service?—A. Not to me, or to my knowledge.

Q. Are they permitted to do so?—A. I understand they are. I don't know much about that, sir; I have no people under my control. The only ones I have are in the field.

Judge PAYSON. If there has been it came from the Secretary, did it not?

Mr. ENLOE. I want to find out if there is such an order.

WITNESS. It would not come to me; it would not apply to me.

Q. It would not apply to the force under your control?—A. No, sir; I simply heard it talked that they are out of the line of promotion.

By Mr. ENLOE:

Q. Has your attention ever been called to a case referred to the special examination division, examined by that division, in which it was alleged that $6,000 had been paid to the wrong person, recently, in the last three months?—A. Within the last few months?

Q. Yes, sir.—A. I have a great many cases of this kind and you will have to give me a moment to reflect. I think we have had a case in which there was some $5,000 or $6,000 involved and recovered within a few months. I remember distinctly a case, I think last year, out in Tennessee, but that can not be the case you are asking. I think there was a case in which there was $5,000 or $6,000. These matters just simply pass through my hands. The law division handle those and it is impossible for me to give my personal attention to everyone of these cases and carry them in my mind.

Q. Was your attention ever called to any correspondence between such a claimant and Gen. Bussey?—A. No, sir.

Q. In which the claimant claimed that Gen. Bussey advised him that it was not necessary for him to return the money or refund it to the Government?—A. Yes, sir; that is the case last year, out in Nashville, or somewhere out there.

Q. What was the nature of the case?—A. It is over a year ago and I should not be able to give the history of the case correctly. I can give you my recollection of it.

Judge PAYSON. Why not get the papers?

Mr. ENLOE. Will you furnish us the papers in the case?

A. Yes, sir. Will you allow me to ask you the name and number. Can you give me the name and number of the case?

Mr. ENLOE. No, sir; I can not, because my information is not definite about it.

WITNESS. Well, I can find it.

Judge PAYSON. Have you a sufficiently clear recollection of it so you could give the substance?

A. Yes, sir.

The CHAIRMAN. If there is no objection to that you may do so.

A. It is my recollection, and I may be incorrect in some of the details. This is a case where a large pension was granted. I think the claimant was insane; at least, he had a guardian. The certificate was issued after the death of the claimant. Sometime, I should think two or three months after the death of the claimant, the case was adjudicated in the regular order and certificate issued, and the guardian drew the money and disposed of it; paid, I think, debts, and appropriated it under the jurisdiction of the probate court. At some time he wrote to the Department, I am not able to say whether before the payment or after, but the matter was being adjudicated and he wrote a letter to the Secretary of the Interior in which, according to my recollection, he gave a garbled, incomplete statement of the case, and asked

the opinion of the Department whether he should properly receive the money, and I think the Department wrote him, on his statement of the facts, he could receive the money. This statement, however, did not bear out, and correspondence was had or communication with the Secretary of the Interior, and the result was I sent a man from my office, Mr. Fitzpatrick, to look after the case and secure that money under the law, and I think we recovered about $6,000. The man attempted to put it out of his hands and I think my man followed him up into Indiana. It started in Tennessee. At any rate, I think we got $3,000 or $4,000 in a check and some notes, and my recollection is it has been closed up, and I think we recovered about $6,000.

Judge PAYSON. What was the question; whether the guardian should have the money or not?—A. My recollection is the legal question was whether the money could be paid under the law, the claimant having died before his claim was adjudicated. I think that afterwards we transferred the matter to the United States court, and the guardian was indicted. I am drawing hard on my memory, because I have so many things of this character coming before me. This is as near as I recollect it. The papers will show all about it, though.

By Mr. ENLOE:

Q. What are the duties of the supervising examiners in your division?—A. The whole territory of the country is divided up into five sections, known as the eastern, western, northwestern, central, and southern supervising districts. Each one of these is put in charge of a supervising examiner and a general supervisor over his district, who looks after his examiners and sees they are supplied with work, and has general supervision of the work. I am a supervising examiner and also a chief of division.

Q. How many chiefs have you?—A. Four; four besides myself. I am assigned in charge of the whole division. There are a great many other duties, but those are among the most important duties. All letters of complaint come to my desk from the mail division. Complaints from citizens who allege that a pensioner—a man is pensioned unlawfully, that he is drawing a fraudulent pension; various kinds and descriptions of complaints. With this great Bureau, you must understand, there are thousands of them. Those come to my desk and I send them out to the different supervisors. Many of these involve very delicate questions and I could not do my work and I could not get along unless I had some people in whom I could trust to refer such matters, and that consumes a great deal of my time and also of their time.

Q. What proportion of their time do they spend in the field?—A. Very little.

Q. What duties are they engaged in in the office when not in the field?—A. These duties I have explained, looking after the cases in the examiners' hands. A large correspondence, the correspondence of the different examiners, comes direct to their desk.

Q. Could not the section chiefs in your division attend to that business about as well as the supervising examiners?—A. I should say not, Mr. Enloe, unless you designated these men as section chiefs. I esteem it absolutely important that the men in charge of these matters should be of the highest character and grade as regards intelligence and integrity.

Q. Could you not dispense with that number of section chiefs and have those supervising examiners made section chiefs and have these duties devolve upon them?—A. It could be done, but I would want the same kind of men; the same valuable men.

Q. If you had the same valuable men, could they not also act as section chiefs and perform work in that way and thus dispense with four or five employés?—A. I can only say what I said before: I should want them to do just exactly what they are doing and be men of the highest intelligence. It would make no difference whether you called them section chiefs or supervising examiners; I think it is important to have them.

Q. You mean to say a section chief could not attend to the section work and at the same time this work?—A. No, sir; I don't think the section chiefs could take care of their work and this work too.

Q. If a fair distribution were made of it?—A. No, sir; I don't think so. Because whatever section chiefs I have are very well weighted with responsibility now. My office force is small. I have a file section, a review section, and an account section; each one of them is important and the men in charge have all they ought to do.

Q. Is not the work done that comes to these supervising examiners—the whole work in connection with it—done by examiners in the office?—A. No, I don't think I could say that. I have stenographers and typewriters to write letters.

Q. Do these supervising examiners have an assignment of a number of examiners under them in the division here?—A. No, sir; I have correspondents, stenographers, and typewriters; they do not have a force under them except as correspondents. I have a corps of reviewers, three or four men practically under their charge. Cases coming in from the fields from the supervisors' districts, the cases are reviewed and the supervisors test the legal points and all the points that are brought up in their district.

Q. In your observation, about how many hours per day are the supervising examiners employed in the office?—A. Presumably from 9 to 4.

Q. I am asking as to facts?—A. I expect them to be here from 9 to 4.

Q. About what number of hours would it take them to perform the duties they ordinarily perform in the office?—A. I think they need all the time from 9 to 4 to perform their duties.

Q. Do they spend all the time at their duties, from 9 to 4?—A. Presumably; yes, sir.

Q. They don't do anything else?—A. No, sir.

Q. Do they work at that during these hours?—A. Well, as chief of the division, I have been satisfied with their conduct in that regard.

Q. I am asking you about the facts in regard to the number of hours your observation would lead you to think they are engaged there with their work at the office?—A. I think they are kept as busy as any ordinary clerk in the Bureau or any other bureau.

Q. Do they remain in the office here as regularly as any other clerk?—A. Yes, sir; they have the right to take their time and are charged up with their annual leave, the same as any other clerks.

Q. Is it a fact or not that the supervising examiners who are employed here in the city are out in the city a great deal of the time during the hours from 9 to 4?—A. I don't think it is, sir; I don't think that is correct. I don't think they are out any more than ordinary clerks.

Q. Is there as much work now in the division as when you took charge of it?—A. No, sir.

Q. What reduction has there been in the amount of work?—A. When I took charge of the division there were about 11,000 cases behind. At present, at one time I had reduced it to about 3,400, and it has crept up on me now to about 55 or 57 or 5,800—somewhere along there.

Q. What percentage has there been in the reduction of the number of examiners in the field?—A. When I took charge of the division on June 18, 1890, I found 225 special examiners. I have now in the neighborhood of 115, may be 115, 116, or 117—in that neighborhood.

Q. Now, if there has been that reduction of the force in the field, why can't you make a corresponding reduction in the number of supervising examiners?—A. As the work grows smaller in the fields and the examiners get less, it makes it more difficult to run the division. It spreads over so much more territory. So many questions arising as to whether this case shall go there or go here, or this examiner sent to this place or to where he shall be sent. I might illustrate this by saying the machinery has got to be kept up.

Q. Is not the correspondence a great deal less than when you took charge of the division?—A. It is not as much less as the work is less. The correspondence don't decrease in quite the same ratio as the work does.

Q. There being a smaller number of cases to examine, of course there is lighter work for these supervising examiners?—A. Perhaps lighter, but not in the same ratio as in the decrease in work. There are disadvantages to the work being lighter, as well as advantages, both in time and money.

Q. Is there any special qualification required for the men who perform the duties of supervising examiners?—A. Yes, sir; they should be men thoroughly conversant with the law, the rulings, the decisions, and the practice; in fact, should be the best posted men in the Bureau, because they are constantly called upon to give opinions or prescribe methods in specific cases in different localities. The most difficult questions that arise in the Bureau are liable to come before them at any time, even by telegraph. They should be thoroughly equipped men and have good executive ability, and, as I said before, thoroughly posted in our profession, if I may be allowed to use that expression.

Q. Who is the oldest supervising examiner—the one having the longest experience?—A. Capt. Fred C. Peck is the senior, next to myself. They are all senior to me in service. I being assigned chief of the division, I am senior; then Capt. Peck, then Morris Ketchum, then Mr. Greenawalt, then Mr. Shannon. However, I think Mr. Shannon was a supervising examiner before any of the rest of them, and it is possible that he has been actually a supervisor more months and years than anybody else, but his last appointment makes him the junior supervisor.

By Mr. BROSIUS:

Q. Is not the office of supervising examiner established by law?—A. Yes, sir.

Q. The Commissioner of this Bureau or the Secretary of the Interior have nothing to do with it except to obey it?—A. No, sir.

Judge PAYSON. I have a letter here in regard to supervising examiners from Mr. Chandler, while Mr. Chandler was Acting Secretary.

Mr. ENLOE. I will ask you to let us have a copy of that, so when Commissioner Raum comes on the stand I will ask him some questions about it.

Judge PAYSON. If it is to be an oral examination perhaps it had better be retained until then.

Mr. ENLOE. All right.

Committee hereupon adjourned until to-morrow morning at 10 o'clock, to meet at the same place, at the Pension Office.

WASHINGTON, D. C., *Friday, May 13, 1892.*

The committee met at 10 a. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Mr. ENLOE. Mr. Chairman, I offer in evidence the letter of the Commissioner of Pensions to the Secretary of the Interior, dated May 7, 1892, which is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, May 7th, 1892.

The Hon. SECRETARY OF THE INTERIOR:

DEAR SIR: I acknowledge the receipt of your valued letter of this date, transmitting a copy of your letter to Hon. H. H. Wheeler, chairman of the Committee on the Investigation of the Bureau of Pensions. I note your statement that I misapprehended your purpose when I informed Chairman Wheeler on the 2nd instant that you declined to furnish the committee copies of certain letters relative to the removal of a number of employés of the Bureau of Pensions.

When application was made for copies of these papers by the committee, I observed that they related to matters which had transpired before I became Commissioner of Pensions, and I, therefore, thought it proper that you should determine whether these documents should be furnished, and so, on the 18th ultimo, I addressed you a letter upon this subject, forwarded you a copy of the request of the committee, and concluded by stating that I submitted the matter "for your consideration and instructions."

On the 2nd instant I called on Assistant Secretary Bussey upon business, and in the course of our conversation I invited his attention to the fact that there had been no reply to my letter of the 18th ultimo, and requested to know what decision the Hon. Secretary had made in regard to furnishing copies of the letters indicated by the committee. I was informed by Assistant Secretary Bussey that the Secretary had decided not to furnish the copies. I then inquired of him if I should inform the committee of this conclusion, and he replied in the affirmative.

Upon my return to the Bureau of Pensions I wrote to Chairman Wheeler of letter of May 2nd and enclosed him a copy of my letter to you of date April 18th.

As General Bussey stated no grounds upon which the refusal on your part to furnish the papers was based, I *assumed* that the grounds stated in my letter of the 18th ultimo were accepted by you as correct.

I forwarded you a copy of my letter of the 2nd instant to Chairman Wheeler, and, in transmitting the same, among other things stated: "Secretary Bussey informs me that I am directed to advise the committee that you have decided not to furnish the information desired."

Personally I have no interest whatever in having copies of these papers withheld from the committee. I have no doubt that in the press of business you did not take time to give the subject full consideration. I, however, followed the instructions of Assistant Secretary Bussey in advising the committee that you declined to furnish copies of the letters in question.

In conclusion I will state that I am in full accord with your expressed wish to give the committee every aid in making a thorough investigation of the Bureau of Pensions, and I invite the fullest examination of all my official acts in connection with the Bureau.

I have the honor to be, very respectfully,

GREEN B. RAUM,
Commissioner.

TESTIMONY OF W. H. SCUDDER.

W. H. SCUDDER sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. I am 40 years old; my residence is Yellow Springs, Ohio—my so-called official residence. Practically, I am residing in Washington and have been for a good many years.

Q. What position do you occupy in the Pension Office?—A. Principal examiner.

Q. Have you been performing any duties in connection with the office of the Commissioner?—A. I don't quite understand the question.

Q. Where are you assigned to duty as an examiner?—A. In the room next to the Commissioner, known as the reception room.

Q. Do you attend to requests for cases to be called up, made by attorneys or members of Congress, where they ask that they be made special?—A. Yes, sir.

Q. What are your instructions about that?—A. My instructions are to make such cases special as where the conditions are shown to have been extreme, as exceeding old age, destitution, dependence on charitable support, sickness which pertains to impending death, or perhaps all those conditions combined.

Q. Do you require those statements to be made in writing in the form of an affidavit?—A. Yes, sir.

Q. Is that a rule that you adhere to strictly in the office?—A. Yes, sir.

Q. Do you know of any instance where you have made cases special for members of Congress or their clerks without complying to those conditions?—A. No, sir. I perhaps might qualify that by saying very rarely, I can only remember, and I do not remember those cases distinctly, perhaps two or three instances during the administration of Gen. Raum where he has sent out a paper to make special. He simply says, "Make this special," and puts his initials on it. In such a case I don't make any further inquiries. I don't require any. That has been sometimes on an affidavit and sometimes on a letter, but according to my understanding of how it was, after a conversation with somebody in his room, he came to that conclusion, and, of course, I had no right to make inquiries, and didn't.

Q. His orders were sufficient to govern that?—A. Yes, sir; and I might say in most every other case it was my judgment that makes a case special, and not his.

Q. Then, if a member of Congress comes down here or sends his clerk and makes a representation that this is a case of an urgent necessity or complies with the conditions substantially without furnishing an affidavit, do you ever act on that?—A. No, sir; that, perhaps, ought to be qualified to. Formerly, in Gen. Black's time and a little later than that, it was the rule to accept the personal statements of a Congressman; that is, if he said, I personally know this person is in destitute circumstances, we did not require him to swear to that, but that is the only instance where the rule has not been insisted upon, and that is not the rule now.

Q. Do you have have anything to do with the call slips used by members of Congress?—A. No, sir; practically nothing. I forward them to the mail division when they are left with me.

Q. Are they left with you ordinarily?—A. No, sir.

Q. Do you know whether or not there are any cases adjudicated on a call for status, or has there been any adjudicated on a call for status, since the issuance of the Secretary's order on that subject?—A. I don't think the order went into effect immediately, but I have not called up any cases; that is, I have not indorsed any Congressman's slips to be answered since that order went into effect, which was two or three days ago.

Q. The order has only gone into effect recently?—A. Yes, sir; a few days.

A. How long after the publication of the order of the Secretary of the Interior to the Commissioner on that subject before this order was

issued and became a rule in the Department?—A. I am unable to answer that; I did not myself receive any notification formally of the order, that the order had gone into effect. I made an inquiry of the chief clerk and he told me the order had been verbally communicated through the telephone to the chiefs of divisions, but I think since that there has been a more formal notification to the working forces. That is something I have nothing very strictly to do with. It does not affect my particular work.

TESTIMONY OF F. A. FIELD.

F. A. FIELD sworn and examined.

By Mr. ENLOE:

Q. State your residence, age, and occupation.—A. I am 49 years of age; I reside at Indianapolis, Ind.; I am a clerk in the Pension Office.

Q. How long have you been engaged in the Pension Office?—A. About two years this last time. Then I was connected with it previously for about two years.

Q. Who first appointed you to a position in the office, what Commissioner?—A. Dudley, I think.

Q. You were in the first two years under Mr. Dudley's administration?—A. Yes, sir.

Q. What position did you occupy at that time?—A. Clerk in the office.

Q. Have you ever been detailed as a special examiner?—A. Yes, sir.

Q. When you went out of the service and before returning to it again what business were you engaged in?—A. I was a clerk for Mr. George E. Lemon.

Q. Did you ever have any interest in a pension agency in Washington?—A. No, sir.

Q. Did your wife run a pension agency here?—A. Yes, sir. I don't exactly know what you mean by a pension agency.

Q. I mean the business of a pension attorney?—A. No, sir; I never had any interest, but my wife had.

Q. Is she a pension attorney now?—A. No, sir; she has not been for eighteen months, I guess.

Q. Did you have some difficulty with Mr. Lemon about furnishing information to your wife as to cases?—A. No, sir; I did with a clerk of his.

Q. Was that the cause of your severing your connection with Mr. Lemon as a clerk?—A. No, sir; I think not. Mr. Lemon was not here when I resigned my office. He was in Europe.

Q. Who was the clerk with whom you had the difficulty?—A. I really had no difficulty personally with anybody or any difficulty. The man's name was Mr. Taber.

Q. And he was managing Mr. Lemon's business?—A. Yes, sir. No, sir; it was not Mr. Taber, it was Mr. Andrews.

Q. Was he then acting as Mr. Lemon's representative?—A. Yes, sir.

Q. Did you voluntarily sever your connection with Mr. Lemon's office?—A. Yes, sir.

Q. He did not dismiss you?—A. No, sir.

Q. Did he charge you with furnishing information from Mr. Lemon's office to your wife?—A. Yes, sir; this gentleman did, not Mr. Lemon.

Q. I say this gentleman?—A. Yes, sir.

Q. Do you know whether or not the Pension Office made any investigation of your wife's and your connection at the time you were in the Pension Office?—A. Yes, sir.

Q. Did that have anything to do with your dismissal before, or were you dismissed?—A. I was out of the Pension Office before that.

Q. Which office do you mean?—A. I mean the Pension Office. I was out of the Pension Office four years before that.

Q. Four years before you went into business with your wife?—A. Yes, sir.

Q. Has there been any inquiry about the matter since you have been connected with the Pension Office at this time?—A. Yes, sir.

Q. The result of that investigation was your wife quit the business of a pension attorney?—A. I had been in office about three months, and I told my wife to dispose of her pension business as soon as possible.

Q. Did she do so?—A. Yes, sir; which she did. Mr. Raum sent for me and asked me if I had been to see her and made that arrangement, and I told him I was about to make arrangements and I had turned the cases—she had disposed of the cases.

Q. What was the reason the Pension Office investigated that matter? Do you know?—A. I have not the least idea in the world, sir; never asked any questions about it. I did not see what business they had to investigate it.

Q. Did Mr. Raum tell you he did not think it was proper for you to have your wife engaged in the pension business, doing the business of a pension attorney, while you were a clerk in the office?—A. Yes, sir.

Q. And that was the reason your wife quit the business?—A. No, sir. The reason why she disposed of her business was because I told her it would be better for her to do so.

Q. That was the reason you told her to do so?—A. No, sir; I told her that before.

Q. Did you understand if she continued in that business you could not keep your position in the Pension Office?—A. I told her that several times, but I don't know that I told her so before Mr. Raum talked to me.

Q. Before he talked to you?—A. Yes, sir; I don't remember that.

Q. Your telling her was the result of his telling you?—A. No, sir.

Q. Did you tell her previous to this—previous to Gen. Raum's talking to you about it?—A. Previous to Gen. Raum's talking to me that she must dispose of her business, and then I talked with Gen. Raum in relation to it, and he said certainly, or something similar to that. The transfer was about made then, when he and I talked the matter over.

Q. Did Gen. Raum say anything to you then about the charge of your having furnished information about Mr. Lemon's business to your wife?—A. No, sir.

Q. That investigation had been made at that time?—A. Yes, sir.

Q. And the report was in the hands of the Pension Office?—A. Yes, sir.

Q. Do you know whether or not you were suspected of furnishing information from the pension files?—A. No, sir.

Q. You did not hear anything of that?—A. No, sir.

Q. Commissioner Raum did not tell you that had anything to do with this matter?—A. No, sir.

Q. Is there any member of your family now running an office of pension attorney or doing pension business?—A. No, sir; nobody running a pension business.

By Mr. DUNGAN:

Q. Did any other person except the clerk of Lemon's you have named ever have any fault to find with your conduct?—A. Not that I am aware of, sir.

Q. I mean fault to find with you?—A. No, sir.

Q. How long was this before your connection was severed with the office?—A. With Lemon's office?

Q. Yes, sir; or was it before at all?—A. Yes, sir; I think it was thirty days before.

By Judge PAYSON:

Q. What position did you assume when you came in the Pension Office this last time?—A. Clerk.

Q. What grade of clerk?—A. I don't know what grade; I know what salary I get.

Q. What salary do you get?—A. I get $1,200 per year.

Q. Get in through the civil service?—A. Yes, sir.

R. A. DURNAN—Recalled.

By Mr. ENLOE:

Q. Do you know anything, or did you know anything of the whereabouts of the papers of W. W. Dudley at the time the Secretary had a committee investigating the rerating episode?—A. No, sir; I was not in the office at that time.

Q. You were not in the office at that time?—A. No, sir.

Q. What is the method of keeping the time of the chiefs of divisions? Is there any record kept of their attendance on their duties in the office?—A. I believe there is a recent instruction that came either from the Secretary or the Commissioner directing that the assistant chiefs of the divisions note the fact when a division chief was absent during the whole of the day. Aside from that there is no record kept.

Q. If a chief comes in in the morning and stays an hour and goes out and stays for the day, that makes his attendance good for the day? There is no record kept of it?—A. No, sir.

Q. Do you know whether that is done to any great extent by the chiefs or not?—A. Not to any great extent that I know of.

Q. How many hours do you spend a day in the office?—A. I suppose I spend from five and a half to six hours per day on an average.

Q. You think that is a pretty fair average of your attendance?—A. I do not know; I never made any estimate of it. If I want to go away, I go. I am going away at 12 o'clock to-day if I get through with the committee.

Mr. ENLOE. I think we will be through with you all right.

Q. You think there is no ground for criticism of your absence from the office?—A. No, sir; I do not.

Q. Have you been made aware of the fact that there are any criticisms of it?—A. No, sir.

Q. What are the duties of the assistant chiefs of your office?—A. Nearly that of the chiefs. Of course, it takes the place of chief and assists the chief.

Q. Is the position of the chief that of a sort of a general director of the work in the division?—A. Yes, sir.

Q. He does not do much work himself, does he?—A. I can only answer that for myself. I do considerable work. I keep records there, I am around through the division, and occasionally I look over cases myself.

Q. The position of a chief is something like a boss over a lot of workmen, is it not, to see that the others work and not to do a great deal himself?—A. I don't know as that is it. He has certain duties in connection with his office. He has to know something about the work being done in his division and ought to direct that work to some extent.

Q. What records do you keep there, or you have to keep there?—A. Well, I keep a record of the cases on the completed files. I make them from the consolidated reports made to me by the section chiefs, and I report their condition; I also keep a record of the number of cases handled during the week and the number of calls made, and I keep an efficiency record of the section chiefs.

Q. You think you could reduce the force in your division and do the work as well as you are doing it now?—A. No, sir.

Q. You could not get along with any less?—A. No, sir. We are not able to keep the work current with the force we have.

Q. What is the average number of hours that clerks in your division work?—A. Well, that is pretty hard to answer. Some of the clerks are never absent from their desk, except when they take their annual leave.

The CHAIRMAN. The average hour per day, in each day?—A. The time reports that we send downstairs every morning, there would be anywhere from thirty to sixty and seventy names, and that includes those who are excused for an hour or thirty minutes, those who are absent during the whole day, and those absent for part of the day. So it is hard to say what the average work of the division would be, or of a clerk.

By Mr. DUNGAN:

Q. What are the office hours?—A. From 9 to 4, with a half hour's interval from half past 12 to 1.

Q. That makes the working time?—A. Six hours and a half.

Mr. ENLOE. You think the duties of a clerk in your division are of a very arduous nature?

A. Yes, sir; the duties of three-fifths of the clerks in my division are of a judicial nature.

Mr. DUNGAN. They weigh the evidence?

A. Yes, sir; and examine the evidence and pass upon the sufficiency or insufficiency of the testimony filed in the claim.

By Mr. ENLOE:

Q. Do you know of any clerk in the Pension Office having furnished any information to pension attorneys about cases and records there?—A. No, sir; I do not.

Q. Never had your attention called to that?—A. No, sir.

TESTIMONY OF T. J. SHANNON.

T. J. SHANNON, sworn and examined.

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. My residence is 319 Fifth street SE., this city, temporary residence; I am clerk in the Pension Office; age, 45.

Q. What State are you from?—A. New York State.

Q. How long have you been in the Pension Office?—A. Since August, 1882.

Q. Appointed under Gen. Dudley's administration?—A. Yes, sir.

Q. Are you a special examiner?—A. Clerk.

Q. Have you been a special examiner?—A. Yes, sir.

Q. Are you borne now on the clerks' roll or special examiners' rolls?—A. Clerks' rolls.

Q. Have you had considerable experience as a special examiner in the field?—A. Quite a little; yes, sir.

Q. Do you know whether or not the supervising examiners are as a rule better qualified for their position than many of the examiners in the office under them?—A. I think so; yes, sir. From their experience in adjudicating claims, and their experience in the field fits them for their position more than some others.

Q. Have you ever occupied the position of supervising examiner?—A. Yes, sir.

Q. Did you have much more work to perform when you were supervising examiner than you did when you were special examiner in the field, or did you have less?—A. It is a different class of work, sir. In the field we have no hours. If it is necessary to catch a train to get up at 3 o'clock in the morning, to catch it, we do so. In the office here we have the regulation hours of a clerk in the office, but the duties are not the same.

Q. A special examiner in the field is charged with taking proofs frequently in pension cases, is he not? That is a large part of his business, is it not?—A. Yes, sir.

Q. I want you to explain to the committee what evidence is required to establish a soldier's right to a pension?—A. Under the old or new law?

Q. Under the old law?—A. It will be necessary for him to establish his identity as the person who gave the service; then, that he was disabled, on account of the disability for which he claimed pension, and that the disability was received in the service and in the line of duty. And that the disease or disability existed at the time of his discharge, and continuously from that time until he claims his pension.

Q. What is the best evidence to establish the claim, to establish those facts?—A. The best evidence to establish the identity as to the person giving the service, is from comrades in the company or regiment in which he served, or officers, and the same as to the occurrence of the disability—the evidence then as to the existence of the disability at the time of discharge and continuously therefrom until he made the application, from his employers, fellow workmen, or neighbors, to whom he is well known or associated.

Q. If the hospital record shows the origin, do you have to hunt up additional evidence then to show the origin, or do you take the hospital record?—A. Oh! no, sir; the hospital record might show a disability, but not show incurred in the line of duty.

Q. It might show it outside of the line of duty?—A. If it shows a disability, then he must go on and prove that it was in the line of duty.

Q. He has to do that, too?—A. Yes, sir.

Q. How many witnesses are required to establish these facts?—A. Two witnesses of good reputation.

Q. How many comrades?—A. Two, sir.

Q. Is the evidence of an officer taken as sufficient to establish it without the support of the testimony of other comrades?—A. That has been the rule; yes, sir.

Q. It takes the testimony, then, of one officer or two soldiers?—A. Yes, sir; that was the old rule. Under Mr. Tanner we were instructed, so I am informed; we are not regulated as to that in the adjudicating division; that one comrade, if the applicant stated under oath that he

could find no other comrades to prove the fact that it was in the line of duty, that the origin was in the service, and he could find but one, that one would be accepted; that is, one comrade; and I understand that cases are adjudicated in the same manner now, and an officer is sufficient, and one comrade it no other can be found.

Q. That brings it down then to the admission of a case on the testimony of a claimant, and supported by one officer or soldier?—A. Yes, sir.

Q. Who served with him?—A. Yes, sir.

Q. When a special examiner is hunting up the evidence necessary to complete a case, examining witnesses, do the records in these adjudicated files here show that there was any cross-examination of those witnesses who testified?—A. Yes, sir.

Q. Is it a rule to cross-examine them?—A. Yes, sir.

Q. Suppose that a special examiner is not sent to take the testimony, but it is taken before a notary public, or some other officer authorized to administer oaths, is there any cross-examination then?—A. No, sir.

Q. Are not the majority of cases prepared by claimants and their attorneys and sent in here without any cross-examination whatever on behalf of the Government?—A. No, sir; they are cross-examined by letters and circulars written from the Bureau to them.

Q. Cross-examined them by writing to them?—A. When in the hands of a special examiner, you mean?

Q. Yes, sir.—A. Yes, sir.

Q. Is there any testimony taken of persons in the neighborhood as to the credibility of witnessess?—A. No testimony; no sir; not as a rule.

Q. The records don't show that there has ever any inquiry been made as to whether or not the witnessses are creditable, on which the claim is made out?—A. The reports of the examiners report the fact that they have made inquiries and report as to the credibility of witnesses.

Q. That is, where the case is sent to the special examiner in the field?—A. Yes, sir.

Q. They don't send the papers in the case to the examiner in the field to inquire into the question as to the credibility of witnesses?—A. In most all cases; there are very few exceptions. The old practice was to send out what we call the credibility inquiry, which is an inquiry as to the credibility of witnesses.

Judge PAYSON. Where the testimony was *ex parte*?

A. Yes, sir.

By Mr. ENLOE:

Q. Is there a rigid examination of the claimant himself by the special examiner to see whether or not his statements are consistent?—A. Yes, sir.

Q. How is this inquiry made as to the credibity of witnesses and as to the right of the claimant to have a pension; how does the special examiner make the inquiry?—A. In the performance of his duty in the neighborhood in which the witnesses live. He will inquire of prominent citizens. His instructions are not to rely upon the report of any particular persons, but to have the report of one corroborated by another of good reputation.

Q. Does he ever report of whom he inquired?—A. No, sir.

Q. He doesn't report those facts to the office?—A. Not as a rule. They do report the source of their information.

Q. Are there not frequently complaints sent into the office from different parts of the country, that certain persons are on the pension rolls who are not entitled to a pension?—A. A great many, sir.

Q. Did you ever investigate any of those when you were a special examiner in the field?—A. Yes sir.

Q. What was your method of procedure?—A. To go direct to the parties complaining and put them under oath and examine them as to their means of knowledge of the complaint they make, and where they derive their information from in regard to the facts about which they testify, etc., and then following it up by inquiring as to the information they got in any way, in order to prove or disprove it, if possible.

Q. Is any of that evidence furnished or placed in the files here?—A. Always in the case, sir.

Q. Whenever there is an investigation made as to the right of a pensioner to remain on the rolls that is filed?—A. Yes, sir; always filed with his case.

Q. Do you find that those charges generally have no foundation?—A. The majority of them have not, sir.

Q. Do you think a claim against the Government for anything else except a pension could be maintained on the testimony that is deemed sufficient in pension cases?—A. I am not qualified to say, sir.

Judge PAYSON. The question is what his instructions are and if he follows them.

Mr. ENLOE. Did you ever have any experience in investigating any claims for the Quartermaster's Department or any other Department of the Government?

A. No, sir.

Q. From your experience as a special examiner, and the knowledge that you have derived from your experience, do you believe that the rules which have been laid down for the government of special examiners in taking this proof are wise regulations?—A. I think they are, for the protection of the Government and for the protection of the claimant, both.

Q. Do you think the Government is protected as it should be against fraud in pension claims?—A. I do, sir; so far as we are able to cope with it. It frequently happens that where complaint is made, when we come to the field, it frequently happens that they object to go upon record or to be sworn or give further information in that case. Of course we are unable to get full information then, but where they will back up their original statement I believe the Government is protected. We get the truth of the matter as to whether it was a fraud or not.

Q. Is there any way that this committee could determine as to the character of proof upon which pension claims are admitted except by examining the cases in the adjudicated files?—A. I think each case in itself contains full information as to the character of the evidence upon which they have been adjudicated.

Mr. ENLOE. Mr. Chairman, here are some reports, and I would like to have them to go into the evidence, to go in in connection with the testimony in regard to the Legg case. These are reports made by Mr. Oakey.

Judge PAYSON. That is all right.

The CHAIRMAN. These papers are as follows: Report of Special Examiner Oakey in Vander Mark Smith's case in connection with the attorney, Legg, dated January 27, 1891.

(Papers received in evidence, marked Exhibit A.)

Here also is another report made by the same officer in the case of Moses Taylor, dated January 25, 1891.

(Received in evidence, marked Exhibit B.)

Here is also another case; it is that of Thomas White, report by the same officer, dated January 27, 1891.

(Papers received in evidence, marked Exhibit C.)

The next report is made by the same officer in the case of Frederick Mitchell, dated January 25, 1891.

(Papers received in evidence, marked Exhibit D.)

The next report is by the same officer in the case of George W. Mayhaw, dated January 25, 1891.

(Paper received in evidence, marked Exhibit E.)

The next case is the case of William W. Burt, dated January —, 1891.

(Papers received in evidence, marked Exhibit F.)

The next is the case of Jackson Warren, dated January 27, 1891.

(Received in evidence and marked Exhibit G.)

DR. INGRAM—Recalled.

Dr. INGRAM recalled in his own behalf.

The WITNESS. Gentlemen of the committee, it seems to me proper in connection with the adjudication of the Dudley case to have added, which I did not know yesterday, that it fitted so nearly in time that Commissioner Tanner had made a ruling on May 5, 1889, if I remember rightly, and Col. Dudley's application was dated May 18, and the adjudication was soon following, May 23, or something near that, 1889. On May 5, 1889, Commissioner Tanner ruled in a case known as the Albert J. Conklin case, certificate No. 22386. He held:

That where the character of the amputation of the leg below the knee is such as to prevent the wearing of an artificial limb in its usual meaning, not a peg, a total disability of that limb shall be considered to exist. The facts shown in this case are sufficient to entitle the pensioner to a rating of $36 per month.

JAMES M. TANNER.

Dated May 5, 1889.

The WITNESS. The bearing that this will have on the case of Col. Dudley is not direct, because that was based upon the proposition that a total disability of the limb existed under the act of August 4, 1886, that a total disability of the limb should be considered to exist. In the case of Col. Dudley the amputation was at the same place or even higher, I think; no examination being in Col. Dudley's case, I can not be certain about that, but I think it was higher and was based upon a different proposition, suggesting that it was so near as to be considered at the knee. I think it is possible that Col. Dudley was in the office and showed the medical examiners his limb, and its adjudication was largely based upon this ruling.

Mr. ENLOE. You do not know that to be true, do you?

A. No, sir. I would like to say that in no sense was it a rerating; it was simply an increase allowed by admitting his case to go under the conditions of the act of August 4, 1886.

By the CHAIRMAN:

Q. It was admitted without medical evidence?—A. Unless he was present.

Q. So far as you know?—A. So far as I know there is no certificate in the case.

Q. In this particular case in which you have referred, was there a medical examination when that ruling was made?—A. Yes, sir.

Q. Should there not be some testimony to show that the fact existed so as to come within the meaning of the law and the rulings of the Department?—A. It is the requirement now and it has been since I have been connected with it.

Q. If there is not such an examination it is a mere guess case?—A. Sometimes the case is referred to the medical referee, but there are no papers in this case showing it. If there had been in this case the medical referee should have put it in writing. Whether it was required or not I can not say, not being present.

By Mr. ENLOE:

Q. I will ask you if—if there is a total disability of the limb—the pensioner is not entitled to $45?—A. Not unless it is amputated at the hip joint, or so near the hip joint——

Q. Is there any such a case known to the law by this general description as a total disability of the limb?—A. Yes, sir; at $36.

Q. Thirty-six dollars for a total disability of the limb?—A. Yes, sir. The $45 rate is to apply to an amputation at the hip joint, or so near as to prevent the use of an artificial limb.

Q. I don't exactly understand what you mean by a total disability of the limb?—A. The law requires that the rating of $36 should be allowed for an amputation above the knee or a total disability of the limb. Then the rate of $45 being allowed for an amputation at the hip joint, or so near the hip joint as as to prevent the use of an artificial limb.

Q. Would you say a man whose leg was cut off below the knee was suffering with total disability of the limb if he had the use of the remainder of it?—A. The law says the amputation shall be at the knee. There are two conditions, either an amputation at the knee or total disability of the leg. Now, it has been decided since that that an amputation within a few inches of the knee, a similar case has been decided, shall be considered at the knee, since the knee joint is not mentioned in the law, but at the knee. The ruling of the Commissioner at that date was something of an innovation and a liberalizing of the law, the knee joint being held to be the dividing line between the $36 and the $30 rate.

Mr. BROSIUS. I have some doubts from the statements which you have made whether the Dudley case was a case of rerating or not?

A. No, sir; not in any sense.

The CHAIRMAN. It was an additional pension?

A. Simply a case of allowing him the benefit of the act of August 4, 1886.

Mr. DUNGAN. It was an increase that dated back?

A. It was an increase allowed under the provisions of the act of August 4, 1886.

By the CHAIRMAN:

Q. What would be the difference between a rerated case and this case, if there is any practical difference?—A. A rerated case I should say was simply the correcting of an error.

Q. Was there any additional disability in the Dudley case than what it was originally?—A. No, sir.

Q. Then why was it not a rerated case?—A. They are not so designated in the office.

Mr. ENLOE. It is a technicality?

A. Yes, sir.

By Mr. LITTLE:

Q. This case that you brought up this morning to compare with the Dudley case, the comparison is as to the physical disability of the two applicants?—A. Yes, sir.

Q. Not as to the methods of adjudication in the office from what the record shows?—A. It is simply a ruling in a similar case.

Q. So far as the physical disability shows?—A. Yes, sir.

Q. But so far as the record shows there was no similarity in the adjudication of the two cases?—A. There were no papers in the case——

Q. I ask you now as the record shows, there is no similarity in the adjudication of the two cases?—A. So far as the papers in the case show the exact point of amputation——

Q. You are going back to the physical disability?—A. I would like to assure you that I was not present, and do not know anything about the facts. The papers are not in the Dudley case, but in this case.

Q. Then there is no similarity, so far as the record shows, as to the mode of adjudicating those two cases; the similarity ceases after the physical disability?—A. Yes, sir.

Mr. BROSIUS. Have the records been compared in the two cases?

Mr. LITTLE. I want you to understand this, and I want to understand it myself: You bring in a case this morning, and offer it as a similar case with the Dudley case. You simply offer it for this reason, that there was a ruling in existence at that date that applies to the physical disability?—A. If that had been shown.

Q. There is nothing in the record to show that they were shown at the medical examination—anything in regard to the Dudley case so that you could compare it with the case you bring in?—A. No, sir; there were no papers in the case to show where the line of amputation was.

Q. It simply shows the similarity of the cases as to the physical disability?—A. Yes, sir.

Mr. BROSIUS. In your examination of the Dudley case, without regard to the mode of adjudication, was the pension granted to Dudley properly allowed under the law. I mean was he entitled to it under the law?

A. Under this ruling.

By Mr. LITTLE:

Q. How can you tell that if there is no medical evidence to substantiate the claim?

A. I could not tell it without the papers in the case.

Q. Then your answer to the member of the committee was not correct?—A. I think it was proper, assuming that the amputation was as he states.

Q. But there is no proof of that?—A. No, sir.

Judge PAYSON. There is no medical proof.

A. No, sir.

Mr. LITTLE. We have had it stated by experts that that is the proof required under the rules.

The CHAIRMAN. Have you any personal knowledge of Dudley's case as a physician?

A. No, sir; except seeing Col. Dudley.

Mr. LITTLE. Then what testimony you have given here is principally upon hearsay?

A. Yes, sir; there is no record of it.

TESTIMONY OF W. B. SHAW, Jr.

W. B. SHAW, Jr., sworn and examined.

By Judge PAYSON:

Q. What is your official position in the Pension Office?—A. Chief of the finance division.

Q. Before what division in the office would such claims as that of Col.

Dudley's under the act of August 4, 1886, be adjudicated?—A. It would properly come to be settled before my division.

Q. When the Dudley case then was before the office, your division was the proper division to have jurisdiction over it?—A. Yes, sir.

Q. Now you may state, in your own way, what the practice of the office was with reference to the medical examination for specific disability as his was.—A. At the time of the passage of the act of August 4, 1886, the then Commissioner of Pensions, Mr. Black, issued an order that the settlement of cases that came under that law should be transferred to the finance division, as the law distinctly stated that all pensioners on the roll who had lost an arm or a leg or whose case might be pending for adjudication, that those cases should go to the finance division for settlement, as he was desirous that those persons should be given the benefit of the law as soon as possible. A list of those cases was made and drawn from the admitted files of this office and were sent to my division, and there the case as it was allowed was recorded. The fact that the disability in that class of cases was specific and permanent it did not require a medical examination. The fact that the man had lost his hand was taken from the last medical examination in the case, and it was all that was necessary to adjudicate it at the time. It was an original report, which showed that it was a permanent disability. There was no question that the hand would grow in the meantime, or that it would grow less, that he would have lost any more of it.

In the office is prepared what is called a supplemental certificate. That did not require that the certificate on which the man had been originally pensioned should be returned to the office and reissued, but the supplemental certificate was gotten up, which stated the facts of the disability for which the pensioner was pensioned, and it was mentioned, being the loss of a hand, or the loss of a foot, or the loss of an arm at the shoulder joint, or anything of that sort; and this supplemental certificate was signed by the Secretary of the Interior and countersigned by the Commissioner of Pensions, and then was sent to the pension agent, where the pensioner would get his pension, and his certificate was indorsed upon his first voucher for payment. In May, 1889, about two months before I came into the office, Mr. Dudley's case was reached by those having charge of it in my division, and when the examiner there took this case up he did not believe that the disability or the amputation came within the purview of the law, and took the case to Commissioner Tanner for his personal consideration. He considered it personally and the matter was reviewed. He was the reviewer in the case, and directed that the allowance be made. Mr. Dudley, I believe, was on the rolls at $30 per month, the total of his rank, and the allowance was made to $36. The record in my division will show the exact time of the allowance and all about it.

Q. Do you remember the name of the examiner?—A. I think I could tell if I could get the face brief the case.

By the CHAIRMAN:

Q. Previous to the law of 1886, the loss of a leg below the knee had a particular or specific rating?—A. Yes, sir.

Q. After the law of 1886, the rating would be different, providing the loss of the leg below the knee was so near the knee joint, as to render the use of an artificial leg impracticable?—A. Yes, sir.

Q. How could you determine that fact without an examination?—A. That was just the point when the examiner made the examination in

my division. He did not believe the case came within the purview of the law, and he took it to the Commissioner.

Q. How could he find that out without a medical examination?—A. I don't know.

Q. Do you know any way you could find it out without expert testimony?—A. No, sir.

By Mr. LITTLE:

Q. You say this case came up about two months before you came in there?—A. Yes, sir.

Q. You stated also that when this examiner saw it did not come within the purview of the law he took the case to the Commissioner?—A. Yes, sir.

Q. How did you learn that fact?—A. From the records in the division.

Q. Do the records show that?—A. Yes, sir; and I think the face brief shows the action of the Commissioner at the time he made his decision in the case.

By Mr. BROSIUS:

Q. When the fact is material to the case whether the amputation is so near the knee as to render the use of an artificial limb impracticable, could the Commissioner of Pensions, after an inspection of the limb, determine that question?—A. Himself?

Q. Yes, sir.—A. I think so; yes, sir.

Q. Would it require a surgeon or a physician in order to obtain that knowledge—in order to tell whether or not the use of an artificial limb was impracticable?—A. I don't think I can answer that question.

By Mr. DUNGAN:

Q. What is the rule of the office in regard to the testimony necessary to prove that?—A. I don't know, sir.

Q. Is it medical or not?—A. I do not know, sir.

Q. On what sort of testimony do they rate that specific disability, on the testimony of comrades or medical testimony?—A. Medical testimony.

Q. That is the rule of the office?—A. Yes, sir; up to the time the case was taken from my division.

By Mr. LITTLE:

Q. Had there not been a medical ruling and examination on this very point on his former application for a pension? Was this very disability put in the record and disallowed, when the $30 was originally allowed?—A. I could not say, sir.

Q. Do not the records show?—A. I don't know.

Q. When he got his $30 pension didn't he put this in?—A. I never looked it up.

Q. You seem to know all about it?—A. I know from the records in my division about the case, the certificate number, and the disability, and the amount of pension.

Q. But the remainder of your testimony is hearsay evidence, and that is what you are testifying upon?—A. Yes, sir.

By Mr. ENLOE:

Q. You were not in the office at the time this case was adjudicated?—A. No, sir; I stated that.

Mr. ENLOE. I want to offer the papers in the case of John G. Chapman, pension attorney. Have you any objection, Judge Payson?

Judge PAYSON. No, sir; not a bit.

The CHAIRMAN. They will be admitted, then.

Mr. ENLOE. (To Mr. Bailey). Will you produce copies of those papers?

Mr. BAILEY. This case is ready to go to the Secretary and ready for submission to the Commissioner.

Judge PAYSON. It is a pending matter ready for the action of the Secretary and Commissioner?

Mr. BAILEY. Yes, sir. Mr. Enloe, do you want me to furnish copies?

Mr. ENLOE. Yes, sir.

Mr. BAILEY. All right; I shall do so.

Judge PAYSON. (To Mr. Enloe.) Will you let this case go then for a day or two, seeing that it is all ready for the Commissioner?

Mr. ENLOE. It does not make any difference about that; he can sign this letter if he wants to, but I wish to offer the papers now.

Jennie R. Chapman, attorney; residence, New Haven, Conn.

JAN. 2, '92.

Atty. allowed 15 days to show cause why she should not be disbarred.

R. S. C.

FEB. 3, 1892.

Charges dismissed.

R. S. C.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, LAW DIVISION,
Washington, D. C., Jan. 21, 1892.

Respectfully referred to Hon. Secretary of the Interior for his consideration in connection with the papers in the case of John G. Chapman, of New Haven, Conn., now in his office.

GREEN B. RAUM,
Commissioner.

APRIL 21, 1892.

Atty. to show cause in 15 days why he should not be disbarred.

R. S. C.

John G. Chapman, attorney; residence, New Haven, Conn. Disbarred July 31, 1891; restored Jan. 10, 1892. Atty. advised. R. S. C.

OFFICE OF THE ATTORNEY FOR THE UNITED STATES,
DISTRICT OF CONNECTICUT,
Hartford, Nov. 28th, 1890.

Mr. J. G. ERLY:

DR. SIR: I wish you would report as soon as possible in the Chapman cases, as he is moving to secure the Att'y-General's advice to me to drop further proceedings, and it's likely I shall be called upon to report my opinion of Chapman's conduct.

Yours, truly,

GEORGE G. SILL,
U. S. Atty.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, SPECIAL EXAMINATION DIVISION,
Bridgeport, Conn., Dec. 2, 1890.

The COMMISSIONER OF PENSIONS,
Washington, D. C.:

SIR: I have the honor to report that on yesterday, 1st inst., I took the deposition of Eliza Ann White, No. 146 Henry st., New Haven, Conn., a pensioner by ctf.

267398, charging John G. Chapman, attorney, of New Haven, with having retained a fee of $250 for prosecuting her claim. She also delivered to me a memorandum of Chapman's showing the distribution of her monies, as corroboration of her statement.

In view of the facts set forth in the accompanying letter of the U. S. dist. atty. I deemed it advisable to forward the complaint of Mrs. White to him, which I did, by mail, this a. m.

Hoping my action may meet with your approval,

I am, very respectfully, your obedient servant,

JAMES S. ERLY,
Special Examiner.

(Indorsed:) Supervising examiner, eastern district, Dec. 4, 1890. J. S. Erly, special examiner. Dated Bridgeport, Conn., Dec. 2, 1890. Brief: Reporting that Eliza Ann White, a pensioner by ctf. 267398, charged John G. Chapman, New Haven, Conn., with retaining $250 as a fee. Complaint sent to U. S. dist. att'y in view of facts set forth in his letter herewith. Respectfully referred to chief of law division. F. G. Butterfield, chief S. E. D., pr. W. Docket, and pass on to Judge Harding. Dec. 4, '90.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, SPECIAL EXAMINATION DIVISION,
Bridgeport, Conn., Dec. 7, 1890.

The COMMISSIONER OF PENSIONS,
Washington, D. C.:

SIR: I have the honor to advise you that John G. Chapman, attorney, of New Haven, Conn., was, on yesterday, the 6th inst., held in the sum of $500, for the action of the grand jury, for retaining the sum of $250.00 as a fee in the claim of Eliza Ann White, ctf. No. 267398. This is the second case, he having been held in $500, on the 20th instant, for receiving illegal fee from Doretta Knecht, ctf. No. 274463.

Very respectfully, your obedient servant,

JAMES S. ERLY,
Special Examiner.

Indorsed:) The examiner must brief his letter. Jas. S. Erly, special examiner, dated Bridgeport, Conn., Dec. 7, 1890. Brief: John G. Chapman, attorney, New Haven, Conn., held for grand jury, for retaining $250, a fee in claim of Eliza Ann White, ctf. No. 267398. Special examiner, eastern district, Dec. 9, 1890. Docket, and hand to Judge Harding for consideration. Respectfully referred to the chief of the law division. F. G. Butterfield, Chief S. E. D., pr. W. Dec. 9, '90.

OFFICE OF U. S. DISTRICT JUDGE,
DISTRICT OF CONNECTICUT,
Hartford, July 2d, 1891.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: Mr. John G. Chapman, of New Haven, has shown me your letter of a recent date in regard to his being disbarred from acting as an agent in pension cases, by reason of his plea of guilty in the matter of Eliza A. Wright's pension.

He violated the statute in consequence of having received for his services a larger sum than is permitted by law, but, in my opinion, justice does not require that he should be prevented from ever acting as a pension attorney.

As I am informed, and, as I think is probably true, he took hold of this and other kindred cases, at the solicitation of others, because they were difficult cases, worked at them diligently, and when the pension money was received, left the matter of his compensation to the pensioners, and they paid what they were willing to pay. There was no contract and no demand for any particular sum.

I believe Mr. Chapman to be a heedless, but kind-hearted, well-disposed man and a good citizen. I do not think that he is a sharper or one who would oppress the poor. He is a man of small means and income and therefore his business as a pension attorney is a matter of considerable importance to him.

I respectfully submit that the extenuating circumstances in his case are such that he may, without detriment to the public, be permitted to continue to appear in your Department.

I am, with much respect, your obedient servant,

N. SHIPMAN.

NEW HAVEN, CONN., *July 3rd, 1891.*

To Hon. GREEN B. RAUM,
Commissioner of Pensions:

In answer to your communication of June 16, 1891, why I should not be disbarred, depose and say, that the only reasons I can give is ignorance, and certainly with no intent of doing anything wrong or injury in accepting a gift which at the time seemed free and willing, and with many thanks, and her blessing, saying at the time "through my contributions for 17 months and my labors would be the means of prolonging her life 10 years." In about ten days of her own accord she came to my office and tendered me a sealed envelope, saying "she could not sleep nights it worried her so much that she had not paid me what she ought." I refused it, but she said she would not leave my office till I took it, and after she had gone found $50 in the envelope. At this time she said "when I first met her I found her hungry and cold, and I had kept her from freezing, starving and poor house for 17 months," and left my office perfectly satisfied. This was about May 20th, 1890. To accommodate the old crippled lady, June 4th, 1890, I went to her house and executed her quarterly vouchers, and she was delighted to see me, and to my surprise I found that the party who first called my attention to her deplorable condition had persuaded her to buy one of his houses at $1,600.00, he drawing out of savings bank the $1,000 I had pursuaded her to put in and draw out as she needed it, and the highest value I can get placed upon it, the house, is $900, and I think this party with other jealous pension attorneys put up the old lady to make complaint and lie in the matter.

The neighbors have consulted me lately to have Conservater put over her, which I would have nothing to do with, for fear of look like retaliation. After she complained, sent messenger to me to know how she could stop it, as she had made a mistake and done wrong. My starting in and getting pensions for these poor people and paying all the expenses out of my own pocket, besides the work, and when their pension came take what they choose to give me I supposed was right, and I think Judge Shipman, who heard the case, whose letter is herein inclosed, thinks the circumstances extenuating.

I think it is over two years since I filed any claim in the Pension Bureau as attorney. My attorney is Jeannie R. Chapman (my daughter), and I am the notary public, and in the many cases filed not in a single case have the claimants paid a dollar for affidavits, &c., but I have trusted them and got my pay when they get their pension, if they felt like paying, as in the Wright case. I do not demand it, except regular notary public fees.

If I, acting as notary public in executing affidavits in these claims when my daughter is the recognized attorney, is in any way not according to the rules and regulations of the Pension Bureau, please notify me at once.

JOHN G. CHAPMAN.

Sworn to and subscribed before me this 6th day of July, 1891, by the above-named affiant.

JULIUS C. CABLE,
Justice of the Peace for New Haven County.

OFFICE OF THE ATTORNEY FOR THE UNITED STATES,
DISTRICT OF CONNECTICUT,
Hartford, June 11, 1891.

Hon. GREEN B. RAUM,
Comr.:

DR. SIR: Your office letter (J. P.) of the 8th relating to case of John G. Chapman, New Haven, Conn. On May 26, the deft. having at Feb. T. pleaded guilty to the indictment, was fined $75 costs, $72.20 which were paid.

The indulgence of the court arose from the fact that a large number of prominent men in New Haven, headed by three ex-governors and president of Yale University, petitioned for judicial clemency.

I herewith enclose the papers used in the case.

Yours truly,

GEORGE G. SILL,
U. S. Atty.

Eliza Ann Pice.
Ctf. 267398.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., June 16, 1891.

SIR: I have to inform you that evidence has been filed in this Bureau showing that you have been tried and convicted in the United States district court for the district of Connecticut, for violation of the pension laws in the claim of Eliza Ann Wright, certificate No. 267398.

You are therefore requested to show cause within 30 days, with the return of this letter, why for the wrong and injury done you should not be disbarred from practice before this Bureau.

Very respectfully,

GREEN B. RAUM,
Commissioner.

JOHN G. CHAPMAN, Esq.,
New Haven, Conn.

DEPARTMENT OF THE INTERIOR,
Washington, July 31, 1891.

The COMMISSIONER OF PENSIONS:

SIR: Your letter of the 15th instant has been received, recommending that John G. Chapman, of New Haven, Conn., be disbarred from practice before your office.

It appears from an examination of the papers submitted in connection with your report that Mr. Chapman was charged with violation of the pension laws in demanding and receiving an illegal fee i n the pension claim, certificate No. 261891, of Eliza Ann Wright.

He was indicted for said offense, and at a trial of the case during the May term of the United States district court for the district of Connecticut was convicted.

In pursuance of the rule of the Department he was advised as to his conviction in said case, and required to show cause why he should not be disbarred from practice therefor. In his answer to said citation he simply pleads ignorance of the law. As Mr. Chapman has been convicted in a court of competent jurisdiction of violation of the pension laws, it is not believed that he is a person who should be intrusted with the interests of claimants for pension, and it is therefore hereby ordered that John G. Chapman, of New Haven, Conn., be no longer recognized as an agent or attorney in the prosecution of any claim or other matter before the Department of the Interior or any bureau thereof.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

POSTAL CARD.

CHARLES L. CHAPMAN, Esq.,
365 Washington st., City.

SEPT. 30, 1891.

SIR: Order here for your examination. If you can get here before 2 o'clock you will be examined to-day.

Yours,

JOHN G. CHAPMAN.

["Corporal" Tanner's Rapid Transit Pension Claim Agency, Frank M. Lovejoy, subattorney and agent, room 1, 63 Church st., opp. post-office.]

NEW HAVEN, CONN., *Dec. 23d, 1891.*

Hon. JAMES TANNER,
Washington, D. C.:

MY DEAR COMRADE: Replying to your letter of the 22nd inst., concerning the Chapmans, I have to say: As I understand the matter, and I think I am right in my conclusions, John G. Chapman has never been recognized in the Department of the Interior as an attorney, although he has acted as *sub*attorney for his daughter, Jennie R. Chapman. The facts are, that while Jennie R. has been the recognized attorney, she has had nothing whatever to do with the pension business, but it has all been done through John G., under his daughter's name, and he has taken all the

emoluments that have accrued from the business. Now, John G. is not in the office with his daughter, and never has been. She is a bookkeeper in a mercantile concern in this city, and gives no attention whatever to her father's business. He fills out all applications for pensions and takes what the law allows, and *more too*, for his services.

That he has continued to do business in this way since his disbarment (July 21, 1891) there is no question or doubt. I think you will find that all his claims are filed in the name of J. R., or Jennie R., Chapman as attorney, which is simply a cloak to cover his rascality.

Now, as to my making affidavits to this fact, or getting someone else to do so, it would seem to me that the proper thing to do would be for the honorable Commissioner of Pensions to order Special Agent J. H. Rice to investigate the charges. Col. Rice is located in Hartford, Conn., and it would be a very small matter for him to ascertain the facts in the case. He has previously investigated Chapman's methods, and I am at a loss to know why he has not reported the facts as above stated.

Very truly yours,

FRANK M. LOVEJOY,

(Indorsed:) Bureau of Pensions. Respectfully referred to chief law div. for such action as will elicit the facts in the matter referred to, that steps may be taken to make the order of disbarment effective. (Signed) Andrew Davidson, Acting Comis. Dec. 26, 1891.

[James Tanner, late Commissioner of Pensions, attorney at law, solicitor of claims, rooms 169 to 172, Loan and Trust Building, Washington, D. C. Departmental and Congressional practice.]

WASHINGTON, D. C., *Jan. 4, 1892.*

CHIEF LAW DIVISION,
Pension Office, City:

SIR: I inclose herein the affidavit of two people in relation to the charges brought against Mr. John G. Chapman and his daughter, Jennie R. Chapman, who are practicing as pension attorneys before the Interior Department. I respectfully request that the affidavit be placed with the papers in the case.

Very respectfully, yours,

JAMES TANNER.

NEW HAVEN, *January 8, 1892.*

FRIEND NOBLE:

To-day Mr. John G. Chapman wished me to write you in regard to his disbarment from the Pension Department. I really did not know very much about him then—did not mean to pay much.

A member of the same church with himself has called upon me this afternoon and has detailed facts I never had heard of before, which present him in a rather poor light. Don't allow my rather guarded remarks to be too influential in the case.

I really should withdraw that letter if he had not carried it off so soon.

Yours, truly,

J. SHELDON.

GENERAL AFFIDAVIT.

STATE OF CONNECTICUT,
County of New Haven, ss:

In the matter of John G. Chapman and his daughter, Jeannie R., of New Haven, Conn., who are in the pension business.

On this 31 day of December, A. D. 1891, personally appeared before, me a notary public in and for the aforesaid county, duly authorized to administer oaths, Edwin D. Noyes, aged 52 years, a resident of New Haven, in the county of New Haven and

State of Connecticut, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

That he has for several years known of them as being in the pension business, said John G. Chapman as principal, he doing all the business and taking all the money, and his daughter, Jeannie R., as a silent accomplice, as she is reported in the directory as a bookkeeper in another part of the city and never is seen around her father's, John G. Chapman's, office, and am perfectly satisfied she knows all about his crooked work in the pension business and is an accomplice of his.

And also appeared on the above date before me, a notary public in and for the aforesaid county authorized to administer oaths, Mathew Duffey, of New Haven, and makes oath to the above statement in regard to John G. and Jeannie R. Chapman.

Their post-office address is New Haven, county of New Haven, State of Conn.

EDWIN D. NOYES.
MATHEW DUFFY.

STATE OF CONNECTICUT,
County of New Haven, ss:

Sworn to and subscribed before me this day, by the above-named affiants, and I certify that I read said affidavit to said affiants, including the words ——— erased, and the words ——— added, and acquainted them with its contents before they executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiants are personally known to me, and that they are credible persons.

[L. S.]

FREDERICK A. FARLEY,
Notary Public.

UNITED STATES SENATE,
Washington, D. C., January 14, 1898.

Hon. GREEN B. RAUM,
Comr. of Pensions, Washington, D. C.:

DEAR SIR: I inclose herewith a petition for the restoration of John G. Chapman as a pension attorney, who was last August disbarred from practice. The names attached to this petition are those of men who know him thoroughly, and are of such weight that I am sure you can make no mistake in acceding to their wishes and restoring Mr. Chapman as a pension attorney.

I have known him for many years. I do not believe there is a dishonest thread in his whole make-up, and yet I know he has done things that can not be justified. Judge Shipman's letter to you after he had imposed a fine upon the plea of guilty, states the whole matter in its true light.

I have had a thorough talk with Mr. Chapman, and I am satisfied that if restored he will never hereafter seek to obtain any money from pensioners, except what the law allows him; and that in all his business with the office he will conduct himself according to its rules and regulations. I do not believe he ever thought he was taking money from a pensioner improperly.

If he is restored, I suppose that puts an end to the suggestion that Jenny R. Chapman, his daughter, should be disbarred. As far as practicable, the case in which she appears as attorney will be transferred to him, and subsequent cases will be filed by him as attorney. If it should be necessary to continue his daughter as an attorney in some of the cases, because the parties can not be found to make substitution, those cases will be conducted by him as if he were the attorney, and no more than the regular fees will be allowed.

Yours, truly,

O. H. PLATT.

NEW HAVEN, *Jan. 12, 1898.*

To Hon. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: We have known John G. Chapman for many years, and he is from one of our old, respectable families, and our opinion of him is such that if he has violated the pension laws we are satisfied it has been through heedlessness and failure properly to understand the restrictions thrown around the pension law, and our judgment of him is such that with the experience he has had of late he more thoroughly understands the law, and he can without detriment, we believe, to the public interest be

restored as an attorney in pension claims, and we would most respectfully ask that he be restored to practice in your Bureau:

C. R. Ingersoll, ex-governor of Connecticut; N. D. Sperry, postmaster New Haven; James D. Dewells, president chamber of commerce; S. E. Merwin, lieut. governor of Connecticut; W. G. Pratt, editor Journal and Courier; Ezekiel G. Stoddard, town treasurer, and president N. H. County Bank; A. H. Kellam, collector of port; A. Heaton Nolutem, judge of probate; Henry F. W. Hiage, (?) inspector; Lynde Harrison; Herbert E. Benton, chairman State Republican Committee; Rufus S. Pickett, judge city court; Mark C. Bushnell, wholesale merchant.

[James Tanner, attorney and councellor at law, Atlantic Building, Washington, D. C., late Commissioner of Pensions, solicitor of claims, Departmental and Congressional practice.]

JANUARY 19, 1892.

General GREEN B. RAUM,
Commissioner of Pensions, city:

MY DEAR SIR: I yesterday received the enclosed communication from Comrade Frank M. Lovejoy, of New Haven, Conn., who is my agent in that city, and a very reliable man. The statements he makes are so serious and so pronounced and specific that it seems to me that I am in honor bound to call your official attention to them. I have heard something on a similar line from other sources, and I am satisfied that it is due not only to claimants, but to your office, that you should take cognizance of this matter and probe it to the bottom.

I am, sir, very truly, yours,

JAMES TANNER.

Hon. JAMES TANNER,
Washington, D. C.:

MY DEAR SIR: In response to your letter of yesterday's date, I return amended power of attorney in case of John Aarons. How to separate John G. Chapman from Jennie R. Chapman, in the pension business, is a matter beyond my comprehension. While Jennie R. has been known as the attorney at the Pension Department, John G. (her father) has done all the business and reaped the reward of his ill-gotten gains through her name. He still continues the pension business, as you will see by a card forwarded to you this day. In your letter you state that "thirty days' notice has been sent to Jennie R.," why she should not be debarred. Had thirty hours been given her, it would, as it seems to me, been ample. My attention was called to a case to-day, that of Mrs. Dorothea Vondee Brake, widow of William Vondee Brake, wherein the Chapmans procured arrears of pension for the widow amounting to nine hundred dollars. In settling, John G. thought he should have one hundred and fifty dollars, but the widow demurred, and it was left to Mayer Zundee and Otto Wall, both business men of this city, but ignorant of the pension laws, to decide what Chapman should receive. They decided that as Chapman had received twenty-five dollars, that one hundred and twenty-five dollars more would be a fair amount, and the claim was settled on that basis. This is only a sample of the way that business has been done through the office of the Chapmans.

In conclusion I am free to say that their whole system of pension business has been conceived in fraud and begotten in iniquity. I do not believe that there is a single claim that they have ever prosecuted but what they have overcharged. While their methods have been investigated by Government officials and John G. has been twice indicted by the grand jury of the United States district court of Connecticut and once fined $75 and costs on a plea of guilty, yet the same nefarious business is allowed to be transacted by him and very much, as it appears from my standpoint, to the discredit of the Pension Department and all pension agents who are trying to do an honest, upright business.

Pardon me, my dear comrade, for troubling you at so much length with this matter. I beg leave to assure you that I have no personal feeling of antipathy against the Chapmans, but only write from a sense of duty which I owe to comrades, their widows and orphans, who I believe should be protected by the Government in their rights.

I shall not voluntarily trouble you again upon this subject.

Very truly, yours,

FRANK M. LOVEJOY,
63 Church st., New Haven, Conn.

JAN. 21, '92.

Comm'r's letters to Odlall and Mayor of N. H., asking for corroboration of the statement herein (Lovejoy's) as to receipt of illegal fee by Chapman, shown me this a. m.

Forward to papers.

M. B. BAILEY,
Chief Law Div.

JUDGE: File the enclosed, please, with the papers in Jno. G. Chapman's case. I have written two letters in regard to the subject-matter of these papers and will send you the answers to you when received.

H. E. L.,
P. Secy.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1892.

The COMMISSIONER OF PENSIONS:

SIR: In compliance with the recommendation contained in your letter of the 16th instant, and for the reasons therein set forth, the order of the Secretary of the Interior, dated July 31, 1891, disbarring John G. Chapman, of New Haven, Conn., from practice before this Department and its bureaus, is hereby rescinded.

The papers belonging to the files of your office are herewith returned.

Very respectfully,

JOHN W. NOBLE,
Secretary.

NEW HAVEN, CONN., *Feb. 23, 1892.*

Hon. JAMES TANNER,
Washington, D. C.:

MY DEAR COMRADE: In the United States district court this morning (held in this city) John G. Chapman plead guilty to the indictment found against him by the grand jury in a former court for violation of the pension laws, and he was fined $50 and costs. As I am informed, Chapman's attorney pleaded in extenuation that he (Chapman) had been restored to all his rights as an attorney before the Interior Department. Is this so? If so, it will further tend to disgust me with the whole pension business. Is there nothing to be gained by being an honest pension attorney? If the facts are so, then I desire to be counted out, for if I can not do an honest business I will do none at all. This is supplemental to the letter I addressed to you personally yesterday.

Very truly, yours,

FRANK M. LOVEJOY.

OFFICE OF THE ATTORNEY FOR THE UNITED STATES,
DISTRICT OF CONNECTICUT,
Hartford, Feb. 24, 1892.

Hon. GREEN B. RAUM,
Com'r of Pensions:

DR. SIR: The indictment against John G. Chapman for receiving illegal fees in the claim of Doretha Kneht was disposed of yesterday in the district court by a plea of guilty. Fine, 50 and costs. $53.10 was imposed by the court.

Yours, truly,

GEORGE G. SILL,
U. S. Attorney.

U. S. PENSION OFFICE, LAW DIVISION,
February 25, 1892.

Respectfully returned to the Hon. Commissioner, with the information that the U. S. district attorney of Connecticut reports, under date of the 24th instant, that the indictment against John G. Chapman for receiving illegal fees in the claim of "Doratha Kneht" was disposed of yesterday in the district court by a plea of guilty. A fine of $50 and costs was imposed by the court.

G. A. LYON,
Acting Chief, Law Division.

O. K. File. H. E. L., P. Sec.

BUREAU OF PENSIONS,
Feb. 25, 1892.

Respectfully referred to the chief of the law division.

The Commissioner directs that a letter be written to the district attorney in regard to John G. Chapman, with the request that the Bureau be informed whether or not he has been prosecuted for alleged violation of pension laws, and if so the outcome of such prosecution.

H. E. L.,
Private Secretary.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 1, 1892.

The honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to submit herewith for your consideration the papers in the case of John G. Chapman, an attorney and claim agent of New Haven, Conn., who has been recently tried and convicted of violation of the pension laws.

On February 25, 1891, Mr. Chapman was tried and convicted in the United States district court for the district of Connecticut, of violating the act of July 4, 1884, in retaining an unlawful fee in the pension claim of Eliza Ann Wright, cert. No. 267398, and on May 26, 1891, he was sentenced to pay a fine of $75 and costs.

In view of these facts you issued an order on the 31st of July, 1891, disbarring Mr. Chapman from practice before this Bureau.

On Jan. 14, 1892, Hon. O. H. Platt addressed a letter to this Bureau vouching for the good character of Mr. Chapman, and filed a petition signed by well-known and highly reputable citizens of Connecticut asking that the order disbarring him from practice be rescinded. The Commissioner, therefore, on Jan. 16, 1892, recommended the restoration of Mr. Chapman to practice; and on Jan. 30, 1892, you rescinded the order referred to.

At the February term, 1892, of the United States district court for the district of Connecticut, Mr. Chapman was indicted for demanding and receiving an unlawful fee in the pension claim of Doratha Knecht, pleaded guilty thereto, and was sentenced to pay a fine of $50 and costs.

In view of this second conviction of Mr. Chapman for violation of the pension laws, I am of the opinion that he is not a person to whom the interests of claimants for pension should be intrusted, and I, therefore, have the honor to recommend that you issue an order disbarring him from practice before this Bureau.

Very respectfully,

GREEN B. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR, SECRETARY'S OFFICE,
April 19, 1892.

Respectfully returned to the Commissioner of Pensions, and his attention invited to the fact that it does not appear that Mr. Chapman has been advised, as required by paragraph 9, of Department regulations governing the recognition of attorneys, etc., as to the charge upon which the within recommendation for disbarment is based and afforded an opportunity to reply thereto.

CYRUS BUSSEY,
Assistant Secty.

NEW HAVEN, *May 6th, 1892.*

To Hon. GREEN B. RAUM,
Commissioner of Pensions:

DEAR SIR: In answer to yours of April 22nd, 1892, asking to show cause why I should not be disbarred from practicing as an attorney in the Pension Bureau for violation of pension laws in accepting a present in the case of Doretta Knecht:

Would say, that I did not demand or exact a dollar from her, but that she, of her own free will and accord, made me a present about ten days after she received her money of $75, and was then and is now grateful to me for my services, and made no complaint and has no desire to complain, and had not the Special Examiner Early threatened her that he would go out and get witnesses she never would have signed the paper that he prepared in her house to suit himself.

This was one of my first cases, in which I paid all expenses out of my own pocket and took what they chose to give me, supposing I had a perfect right to so do, and if I violated any law it was through ignorance.

This case antedates the former one in which you disbarred me, and at that time

Judge Shipman suggested this case be nolled, and after you had investigated you reinstated me, and I had supposed carried this case with it.

Yours respecfully,

JOHN G. CHAPMAN.

Chapman, in my judgment, and I know him well, did not suppose he was violating law. I don't believe he had told an untruth in the whole matter. I think the within statement is true. The case on which second conviction was had was pending when he was restored, and when Judge Shipman's letter was written he knew of and considered that fact. I have no doubt and I do not believe Chapmam has done a wrong thing since his restoration. He has the confidence of the best men in New Haven and has more, and I recommend that he be permitted to continue as pension att'y.

O. H. PLATT.

I wish to add that at the time of his restoration I spoke of the Knecht case as being then pending against him.

O. H. P.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., May 6, 1892.

The honorable SECRETARY OF THE INTERIOR:

SIR: I have the honor to submit herewith for your consideration the papers in the case of John G. Chapman, an attorney and claim agent of New Haven, Conn., who has been recently tried and convicted of violation of the pension laws.

On Feb. 25, 1891, Mr. Chapman was tried and convicted in the United States district court for the district of Connecticut of violating the act of July 4, 1884, in retaining an unlawful fee in the pension claim of Eliza Ann Wright, cert. No. 267398, and on May 26, 1891, he was sentenced to pay a fine of $75 and costs.

In view of these facts, you issued an order on the 31st of July, 1891, disbarring Mr. Chapman from practice before this Bureau.

On Jan. 14, 1892, Hon. O. H. Platt addressed a letter to this Bureau vouching for the good character of Mr. Chapman, and filed a petition signed by well-known and highly reputable citizens of Connecticut asking that the order disbarring him from practice be rescinded.

The Commissioner, therefore, on Jan. 16, 1892, recommended the restoration of Mr. Chapman to practice, and on Jan. 30, 1892, you rescinded the order referred to.

At the Feb. term, 1892, of the U. S. district court for the district of Connecticut, Mr. Chapman was indicted for demanding and receiving an unlawful fee in the pension claim of Dorothea Knecht, pleaded guilty thereto, and was sentenced to pay a fine of $50 and costs.

On April 21, 1892, Mr. Chapman was informed that the Commissioner of Pensions had been advised of his trial and conviction in the Knecht case, and was requested to show cause within fifteen days why, for his unlawful action therein, he should not be disbarred from practice before this Bureau.

No reply thereto has been received.

In view of this second conviction of Mr. Chapman for violation of the pension laws, I am of the opinion that he is not a person to whom the interests of claimants for pension should be entrusted; and I therefore have the honor to recommend that you issue an order disbarring him from practice before this Bureau.

Very respectfully,

———— ————,
Commissioner.

NEW HAVEN, CONN., *Nov. 22, 1892.*

Hon. GREEN B. RAUM,
Washington, D. C.:

DEAR SIR: In answer to your letter of the 20th inst. in relation to Mrs. Dorothea Von der Brake, I say that my recollections of the case are as follows:

Mrs. Von der Brake, who was very sick at the time she received her pension of $900, consulted me with regards Mr. Chapman's expenses in the case. I told her, I think, for the work he has done for you in the pension business and other work one hundred dollars is not too much.

Mrs. Von der Brake paid him and told me afterwards that she was satisfied. How much she paid him I do not know as I was not present when she paid him.

Very respectfully,

M. ZUNDER.

Committee adjourned until to-morrow morning at 10 o'clock, to meet at the same place.

WASHINGTON, D. C., *Saturday, May 14, 1892.*

The committee met at 10 a. m.

Present, the chairman (Hon. H. H. Wheeler), Messrs. Brosius and Dungan, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF E. J. TOTTEN.

E. J. TOTTEN, being duly sworn, testified as follows:

By Mr. ENLOE:

Q. State your age, residence, and occupation.—A. I am 43 years of age, and live at 1407 Chapin street NW.

Q. What position do you hold in the Pension Office?—A. I am chief of the record division.

Q. Do you know whether any inquiry has been instituted in regard to the conduct of Mr. Ford in the matters that have been brought out in this examination?—A. Yes, sir.

Q. Who is conducting that inquiry?—A. I conducted it.

Q. Have you completed it?—A. Yes, sir.

Q. What is your report on it?—A. My report is to the Commissioner, and he has got it.

Q. You have sent in an official report?—A. Yes, sir.

Q. Will you state what your conclusion was?—A. No, sir; you can get that from the Commissioner.

Judge PAYSON. The record is the best evidence.

Mr. ENLOE. Yes; I understand that.

Q. At whose instance did you make the investigation?—A. Commissioner Raum's.

Q. What instructions did he give you about making the investigation?—A. To see if he had given Mrs. Wright any hard work or mistreated her in any way or anything of that kind at the time she was in the division.

Q. That is the extent of your investigation?—A. Yes, sir.

The following report was here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

Hon. G. B. RAUM,
Commissioner of Pensions:

DEAR SIR: As per your instructions, I have made an examination as to the treatment of Mrs. C. L. Wright by Mr. W. T. Ford, assistant chief of the record division, during the past two years, and find Mrs. Wright has had the same treatment as other clerks in this division, and herewith submit all the testimony taken in the case.

Very respectfully,

E. J. TOTTEN,
Chief Record Division.

STATEMENT OF MRS. CADDIE L. WRIGHT.

Q. What conversation did you have, if any, with Mr. Ford during office hours that led you to believe he was affronted with you?—A. Mr. Totten, I had no conversation with Mr. Ford whatever; it was just his actions, refusing to speak to me when I saw him, and then his glaring at me in the manner he did.

Q. Did Mr. Ford meet you at Eighth and F streets prior to the time you allege unkind treatment in office, or subsequent to that time?—A. Yes, sir; he met me before he treated me badly, and he treated me badly from that time on.

Q. About what time did this meeting occur on Eighth and F streets, *i. e.*, what time of the year?—A. I think it was about the middle of November, 1890.

Q. You say Mr. Ford gave you harder class of work to do after meeting you on Eighth and F streets?—A. I never stated that.

Q. Mr. Barker was then chief of the division, was he not?—A. Yes, sir.

Q. Who was your section chief at the time, and what did he say because Mr. Ford detailed you to the chief clerk's room?—A. Well, I will have to explain that I was in Capt. Ripley's room, but I worked for Miss Barnett, and sat in Capt. Ripley's room.

Q. Can you give the names of clerks who were present at the time Mr. Ford was unkind to you?—A. Yes, sir; I can give you the name of the messenger who stood right there, and I can tell you the persons to whom I told it right afterwards. I think his (the messenger's) name is Mr. Pasco; he was the messenger who stood right there, and was ordered to take me down to the chief clerk. I wish to say, Mr. Totten, that Mr. Ford detailed Miss Brinley to the chief clerk's room, and that he took her down and introduced her personally to the chief clerk. The names of the persons to whom I mentioned it just afterwards are Miss Barnett (she was on leave, and as quickly as she came back I told her about it), Capt. Ripley, Mr. Klopfer and Mr. Landon.

Q. Was Mr. Ford busy at the time he detailed you to the chif clerk's room?—A. He was sitting at the chief's desk; I could not say; he was acting chief.

Q. At the time you were detailed did you not say to Miss Brown, in the chief clerk's room, that you did not want to come down, and ask her how long they would need you, and she told you only a few days?—A. Yes, sir; I felt very badly, indeed, and cried about it; I did not want to come down.

Q. Did you not know that it was considered an honor to be detailed in the chief clerk's room [shows order for detail]?—A. Yes, sir.

Q. I thought probably you thought sending you there it would be something else they would want you to do that would make you feel badly?—A. It was this: Miss Barnett was away, and Miss Foster and I were in charge of a certain class of work, which has since been done away with since you came in the division. At the time it was considered very important work, and it had taken me some little time to learn the work, and Capt. Ripley and Mr. Klopfer thought it was strange I should be put off the work; they said nothing to me about it. I asked Mr. Klopfer to ask Mr. Ford not to send me to the chief clerk. He went, but do not know what conversation he had with Mr. Ford.

Q. Well, did you not know that Mr. Ford thought that you were a good clerk or he would not have sent you to the chief clerk's room? The acting chief clerk telephoned to the record division to send a good clerk to help and Mrs. Wright was sent down. Now, would you think that Mr. Ford would have sent you if he had not thought you were a good clerk?—A. I do not know, Mr. Totten. He sent Miss Brinley down. I have not any complaint to make about being sent down, not in the least; it was the manner in which I was sent, that was all that hurt me.

Q. You claim, then, that he never put you to any harder work?—A. The committee asked me that question and I said, "No, sir." Except when I came up from the chief clerk's room I said, "Mr. Ford, what shall I do with my work?" and he said, "I will take care of it." That was all the conversation that I ever had about it. I wish to state that on two or three occasions when I sat right on the edge of the aisle—of course, you can only take my word for it; I never spoke of it to anyone—but Mr. Ford has many a time gone by my desk and laughed in my face, when I could know that it was intended for me.

STATEMENT OF MISS LILY BROWNE.

Q. Did Mrs. Wright tell you that she did not want to come down to the chief clerk's room?—A. Well, I did not hear her say that she did not want to come down; she wanted to know how long she should have to stay, and I told her only a few days; she evidently did not want to come as she had been crying.

STATEMENT OF E. H. RIPLEY.

Q. Do you remember anything that Mrs. Wright said to you at the time, or afterwards, that she was detailed to the chief clerk's room?—A. She came to me and said that she had been ordered up to Mr. Ford's desk. After she came back she said that Mr. Ford told her to report to the chief clerk. The language used was about this: You go down and report to the chief clerk.

Q. Did she say that she did not like that treatment and appear as if she were hurt?—A. She made no complaint, no more than to say that it was singular the way he ordered her down.

STATEMENT OF WALTER H. KLOPFER.

Q. Do you remember anything that Mrs. Wright said to you at the time, or afterwards, that she was detailed to the chief clerk's room?—A. No; I can not say that I do. The only remembrance that I have of it, Capt. Ripley spoke to me; I fail to remember her coming to me at all; she may have. I remember the occasion of the detail, and Capt. Ripley coming to me.

STATEMENT OF JOHN PASCO.

Q. Did Mr. Ford, at the time Mrs. Wright was detailed to the chief clerk's room, use any disrespectful language or words to her at that time?—A. No, sir.

Q. You were there at the time she was detailed, were you not?—A. I can tell you the whole circumstance. She was not in the office, at all. I was at the telephone, and a telephone message came up to send that lady down, and I did not know who it was, and I asked Mr. Ford, and he said it was Mrs. Wright to be sent to the chief clerk's room. He asked me if I would not take her down and introduce her, and I said, "Yes, sir." I went in and told her the chief clerk wanted to see her. She asked me where the chief clerk's room was, and I told her I would show her. I took her down and introduced her to the chief clerk. I think the chief clerk's name was Col. Poor. Capt. Fisher was away. Said I, "This is the lady, Mrs. Wright, that is to come down here." I asked her if there was anything else I could do for her; get her anything, etc., and she says, "No; I'll get my things at noontime," or something like that. She was not in the chief's room at the time. I went and told her about the chief clerk wanting her.

Q. You never heard Mr. Ford use any disrespectful language?—A. Never did.

Q. You have heard him say she was a good clerk, have you not?—A. Yes, sir.

STATEMENT OF MISS WILCOX.

Q. In what way does Mr. Ford treat the clerks in regard to speaking to them, and what is his general manner toward them?—A. Well, to speak for myself, and I suppose I speak for all, he has always been exceedingly courteous and considerate in every way. He has never done anything disrespectful in any way. I have passed him close many times, and he has not spoken, and I never thought anything about it.

Q. He is likely to go through the room and not speak to you?—A. Why, yes, of course.

H. E. LINEAWEAVER—Recalled.

Mr. ENLOE. Mr. Lineaweaver, the chairman informs me that you stated we could not have access to the letter books showing the Wayson and Smith correspondence without an order from the Secretary of the Interior.

A. I don't think I stated that. The chairman did not understand me. What I did say was this: "Somebody called on the Commissioner yesterday for a copy of that correspondence and by the direction of the Commissioner I telephoned to the Assistant Secretary, Gen. Bussey, and asked him if he was preparing the copies there, and he said if the committee desired them they should call on him; they had started them, but had not yet finished them.

The CHAIRMAN. I told Mr. Tonner not to proceed with the work, as I understood there were letter-press copies, and a mere examination of them might answer our purpose and save time and all that work.

Mr. LINEAWEAVER. I understand this morning that Mr. Wilcox went to the chief of the special examination division and not to the Commissioner, and that the chief would not give up the press-copy books without an order from the Commissioner.

The CHAIRMAN. Can we get the letter books that are here?

The WITNESS. I will submit the matter to the Commissioner and see what he says.

The CHAIRMAN. Please do so. It is not so much the manner as the matter we want here.

Mr. Lineaweaver retires and returns and states as follows:

Mr. Chairman, the Commissioner directs me to say that he is under instructions from the Secretary of the Interior in regard to that matter, and he will decline to furnish the books.

After some discussion on the part of the committee, the chairman said:

I will get up such a request as I think covers the ground, in the form of a letter to the Secretary of the Interior and submit it to each one of you before sending it out, in regard to these letter books, if that will be satisfactory to the committee.

GEN. CYRUS BUSSEY—Recalled.

By Mr. ENLOE:

When Commissioner Raum was on the stand he testified that a gentleman came here from New York who was connected with the New York Tribune, and saw you and had a conversation with you about the attacks of the Tribune on the Pension Office, or the methods of administration there. Do you recollect such a visit, and who it was that paid it?—A. I meet numerous men at different times, and there are a good many of them connected with the New York Tribune.

Q. Do you know of anyone coming from New York here on that business and talking with you about it?—A. No, sir; I do not.

Q. Have you had any conference with anybody connected with the New York Tribune since you have been in this city?—A. I have only incidentally met parties connected with the Tribune when they have called at my office, seeking news or something of that kind.

Q. Do you remember of telling Gen. Raum that some man had been over here, over to the office, to see you about the matter?—A. I don't remember any specific conversation that I had with Gen. Raum about it. We frequently talked about the articles that appeared in the New York Tribune in regard to the Pension Office, and I had numerous conversations with parties connected with it. I remember on one occasion I had a talk with Mr. Sackendorf and several times with Mr. Clark, and two or three times with Mr. Millhollan, who I believe is connected with the Tribune; he is, I think, one of the reporters, or in some way connected with it.

Q. They are all connected with the Washington bureau of the New York Tribune?—A. I understand they were here in the city. I frequently had conversations with them in regard to the articles in the paper; nothing that I remember that was specific. Whenever charges were made and I was in possession of the facts, I endeavored when I saw them to explain it to them.

Q. I want to ask you in relation to this recent correspondence in regard to the furnishing of this Wayson and Smith correspondence. Have you seen a letter of the Secretary and of the Commissioner of Pensions on this subject?—A. Yes, sir.

Q. Is it correct that you gave Gen. Raum the statement upon which he prepared his letter, which was addressed to the committee?—A. I will explain just what took place. The Commissioner wrote to the Sec-

retary a letter, which you saw. The Secretary indorsed that letter and referred it to me for examination and report. I was very much crowded with business at that time, my desk was overloaded, and the letter lay for a day or two on the desk without my giving it any attention. I took it up one day and went in to the Secretary to have a talk with him in regard to it, and the Secretary made the remark that there was no limit to the time covered by this inquiry and that it would necessitate a large amount of work to examine the files and furnish the copies of this correspondence and that he did not think such a request should be complied with when it was made in that shape. And I took the letter back, intending to prepare a report in writing.

In the mean time I received an order to go to New York on public business, and was hurrying up all the matters requiring my attention before I went away, and I had occasion to send for Gen. Raum to come over and talk with me, and Mr. Bailey also to consult with me on another matter not having any connection whatever with this investigation. When we got through with that conversation the Commissioner asked me, he said, "What do you think of my communication to the Secretary in regard to furnishing these papers?" and I said that the Secretary said that he would not furnish it, and that was all that took place between the Commissioner and myself. He went away and assumed that the reasons set forth by him in his letter to the Secretary had been adopted by the Secretary, and with that he wrote the letter he did to the chairman of this committee. At least that is the explanation he made to me. I don't think I gave him any reason to think that, however. It was a very hurried conversation, and I did not expect it would be made official. I did not give it to him expecting that would be the end of it. I expected to make a final report upon it when I returned from New York, but when I got to New York I found that it had been acted upon and the Commissioner had written his letter. That is the extent of my knowledge of the affair.

Mr. ENLOE. That is all.

Judge PAYSON. Mr. Enloe, has that report come in yet which was made in regard to Mr. Ford by Mr. Totten?

Mr. ENLOE. Yes, sir; and I want to put it in evidence.

Judge PAYSON. All right; I will give it to Mr. Lineaweaver and he will furnish a copy of it.

The CHAIRMAN. I will say that Mr. Enloe informs me that after the examination of Mr. Fletcher, this witness just coming in, as he understands it, the committee is substantially through.

Mr. ENLOE. I do not want to be understood that this statement precludes anything Mr. Cooper wants to put in or anything that may come up in the future.

Judge PAYSON. Very well; that is fully understood. I have looked over the testimony given by George E. Lemon in the last investigation and I think it all ought to go in. I think it all ought to go in in the same place where Mr. Cooper introduced a portion of it at the last meeting of the committee.

The CHAIRMAN. Very well; I have no objection.

TESTIMONY OF R. P. FLETCHER.

R. P. FLETCHER, being duly sworn, testified as follows:

(After a short examination of the above witness by Mr. Enloe.)

Mr. ENLOE. I will ask that the testimony given by this witness be all

stricken out. I received a letter here this morning upon which I called this witness, and I find that there must be a mistake somewhere.

Mr. BROSIUS. Do you state that this witness was called upon misinformation, and after making that discovery you ask that his testimony be stricken out?

Mr. ENLOE. Yes, sir; that is it.

(It was then decided by the committee that the above testimony should be stricken from the record.)

Judge Payson announced that he would like to have the committee adjourn for a week in order that he may prepare for his rebuttal.

Thereupon the committee adjourned until Monday, the 23d day of May, at 10:30 a. m., to meet at the Pension Office.

MONDAY, *May 23, 1892.*

The committee met at 10:30 a. m.

Present, the chairman (Hon. H. H. Wheeler), and Messrs. Brosius, Dungan, and Lind of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

By Mr. ENLOE. I think this correspondence ought to be received in evidence, letters written between yourself, Secretary Chandler, and Gen. Raum.

By the CHAIRMAN. Very well, they will be received and go in here.

The following letters were here offered in evidence:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., May 18, 1892.

SIR: At a meeting of special committee of the House to investigate the Bureau of Pensions, held at the Pension Office on the 14th instant, the committee desired to examine letter-press copies of the correspondence of Geo. W. Wayson, jr., and Theo. Smith concerning the discharge of certain special examiners in the field; such correspondence commencing with Mr. Tanner's appointment as Commissioner of Pensions and ending with the dismissal of said Theo. Smith from the Pension Bureau. It is supposed by the committee that an examination of these letter-press copies will save your Department considerable time and labor in preparing transcripts therefor for the use of the committee. The Commissioner of Pensions refused the committee an opportunity to inspect these letter-press copies without first obtaining an order from you for that purpose. Without stopping to inquire as to the propriety of the Commissioner's said refusal, the committee requested me to apply to you for an order upon the Commissioner requiring him to permit an examination of such correspondence by the committee.

Very respectfully,

H. H. WHEELER,
Chairman.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, May 20, 1892.

SIR: I have the honor to acknowledge the receipt of your request of the 18th instant, to be allowed to "examine letter-press copies of the correspondence of George W. Wayson, jr., and Theo. Smith concerning the discharge of certain special examiners in the field; such correspondence commencing with Mr. Tanner's appointment as Commissioner of Pensions and ending with the dismissal of said Theo. Smith from the Pension Bureau."

In reply I would state that the Commissioner has to-day been authorized and directed to permit your committee to examine said copies.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

Hon. HARRISON H. WHEELER,
Chairman of Special Committee to Investigate the Pension Office,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 21, 1892.

SIR: I have the honor to advise you that I am in receipt of a communication from the honorable Acting Secretary of the Interior, bearing date the 20th instant, authorizing and directing me to permit your committee to "examine letter-press copies of the correspondence of George W. Wayson, jr., and Theo. Smith concerning the discharge of certain special examiners in the field, such correspondence commencing with Mr. Tanner's appointment as Commissioner of Pensions and ending with the dismissal of said Theo. Smith from the Pension Bureau."

Acting under the direct instructions of the Acting Secretary of the Interior you are informed that these books are open for the inspection of your committee.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. H. H. WHEELER,
Chairman of Special Committee, etc.

By Mr. ENLOE. Mr. Chairman, I will not call Commissioner Raum before the committee again. Whatever information I may desire to elicit about the management of the Pension Office I will seek from those either in immediate charge of the work or from his responsible superiors. If he should voluntarily appear as a witness in his own behalf I shall not conduct the cross-examination unless the committee insist I should do so. I do not desire to proceed further until the cross-examination of Commissioner Raum is completed.

The CHAIRMAN. My understanding was that the defense were ready to go on with their part of the case this morning; is that right, Judge Payson?

Judge PAYSON. Yes, sir.

The CHAIRMAN. Are you ready?

Judge PAYSON. Yes, sir.

The CHAIRMAN. Very well, then, you may proceed.

Judge PAYSON. First I wish to offer in evidence the letter from ex-Commissioner Tanner, written to the chairman of this committee. The letter is dated May 18, 1892, to the Hon. H. H. Wheeler, chairman of the committee investigating the Pension Office, and signed James Tanner.

[James Tanner, late Commissioner of Pensions, attorney-at-law, solicitor of claims, rooms 169 to 173, Loan and Trust building, Washington, D. C. Departmental and Congressional practice.]

MAY 18, 1892.

SIR: From the importance which some of the papers of the country seem to give to the matter of my having, while Commissioner of Pensions, increased the pension of Gen. W. W. Dudley from $30 to $36 per month, and from the matter having occupied the attention of your committee, I am moved to give you a little information which, it seems to me, you are otherwise in danger of not becoming possessed of. Therefore you will permit me to say that I knew before I took that action that Gen. Dudley was on the roll at $30 per month by reason of the fact of having had his leg shot off at the battle of Gettysburg in 1863. I knew that in March, 1886, the pension law had been amended so as to provide that those who had lost a leg or an arm at or above the knee or elbow should receive a pension of $36 dollars a month. If at or near the thigh or shoulder joint, $45 per month.

Gen. Dudley's leg I knew had been amputated only an inch and a half below the knee. Mark my expression: I say "I knew" this. I had seen the stump repeatedly. I knew also that there were several decisions in cases that had been adjudicated formerly, which decisions held that even in a case where the stump was of considerable length, if the stump was diseased or in bad condition, through the best results of amputation not having been obtained, that it had been held that it was practically off at or near the knee joint, and the larger pension given. I knew absolutely of my own knowledge, through my own eyesight, that Gen. Dudley's leg was amputated so near the knee that he had always, and does to-day, wear an artificial leg with an artificial knee joint. I note that in the evidence given before your committee, a chief of a division states that the papers were in the custody of his

division and that when I called for them he submitted a report against the admission of Gen. Dudley's claim. I note also that a couple of medical gentlemen stated that they had examined the papers, and that there is nothing in the papers to show that any medical examination preceded my action.

In reference thereto I beg respectfully to state that a medical examination by all the doctors in Christendom would not have changed my opinion regarding the condition of that stump. If they had all sworn to a statement that the leg was *not* amputated I should not have held their evidence of any value whatever. If, on the contrary, they had all examined it and had all sworn that the leg was amputated, and at the point it was, it would not have increased my knowledge one iota. I know an amputated leg when I see one. I have had occasion to look at a pair of them since August 30, 1862, every day of my life. I know an artificial leg when I see one. I have had about as much experience with them as any other man on earth, and when I see a man with a leg amputated so near the knee joint that he has to wear an artificial leg with an artificial knee joint I know it absolutely, and know of necessity that leg is amputated at or near the knee joint. Surprising as it may seem to the chief of division, who states that he reported against that claim being allowed, I never saw his report. The fact is I did not go through the papers at all. My knowledge was personal and absolute as regards Gen. Dudley's leg and I felt as competent to read the law as the chief of the division. I simply took the bundle of papers and if my memory serves me correctly wrote across them "allow this claim at $36 per month from March, 1886." Whatever I did write is undoubtedly on the papers today.

Not an individual, I venture to say, can be found on earth who possesses ordinary intelligence, and is not permeated with a spirit of wild, blind partisanship, who will read the law, and look at Gen. Dudley's leg, and doubt for one instant the absolute justice and correctness of my action.

I know that it is stated that when Mr. Secretary Noble's committee of investigation, which was composed of three subordinate employés under him, was sent over to the Pension Office to hold a so-called investigation of it, during the brief time while I was Commissioner, they did not find Gen. Dudley's case among the rerated ones. Relative to that, let me say that in my opinion there was no rerating about his case. It was simply applying the plain provisions of the law, and he was given, under the law and through my action, the $6 a month, covering the period of about three years, which he should have been drawing all those months. My action was wholly ministerial. I simply obeyed the mandate of the law.

Furthermore, let me say about this investigating committee not having his case to go over, that I was not responsible. I knew absolutely nothing about their operations, about what they had and what they did not have. When they presented themselves at the Pension Office I called in the chief clerk and introduced them to him, and in his presence told them to call for anything they wanted, and that if they did not get it report to me and I would see that they had it. Right there and then began and ended my connection with that investigating committee. They were there ostensibly to investigate the bureau of which I was supposed to be the chief. But I was never called upon to defend or explain any action that I had taken. So far as I was concerned it was "star chamber" to the last degree, and I never saw their report until their operations had been concluded, their report made to their creator, and passed by him to the White House. Probably if they had not been somewhat fearful that they would get more information than they were expected to get they would have no occasion to emphasize the fact that they did not get hold of the papers in Gen. Dudley's case.

I am, sir, very respectfully yours,

JAMES TANNER.

Hon. H. H. WHEELER,
Chairman Committee Investigating Pension Office.

Judge PAYSON. Then I have a report here which is dated April 2, 1892, in relation to an examination made by the different chiefs of division on a letter sent from the Secretary's office, and I wish also to have that go in office.

(Judge Payson hands report to chairman.)

The CHAIRMAN. Very well, we will take this under consideration and after looking it over will then decide upon its admissibility. [See subsequent proceedings of June 3, 1892, when the above report was received in evidence.]

Judge PAYSON. I am ready now to proceed with my defense.

The CHAIRMAN. Very well.

TESTIMONY OF WARNER WILHITE.

WARNER WILHITE, sworn and examined.

By Judge PAYSON:

Q. What is your official position?—A. Chief of the eastern division.

Q. What was your position at the time order 149 was promulgated?—A. Chief of the eastern division.

Q. In the Pension Office?—A. Yes, sir, in the Bureau of Pensions.

Q. State in your own way what was done with reference to the execution of order 149 and make it as concise as possible and yet cover the entire ground; go on and state it in your own way.—A. In compliance with that order I put my men at work, all the force I could spare, to go through the files of the division to look at each case and see whether or not the case was complete or apparently complete, judging by the calls that had been made on the jacket and a glance at the testimony to see whether there was any answer to those calls; such being the fact, they would make a slip of the case and put it on the completed files for the purpose of having it taken up in its regular order as completed.

Q. You may state whether in that work that was being done as you say there was any preference given to any attorney practicing before this Bureau.—A. Not to my knowledge. I had 103 people and had them to work on the files. I have given no such orders.

Q. In the progress of that work could any preference have been given to attorneys without its being known by others engaged in the work, or by you—that is, to any extent?—A. No, sir; it could not.

Q. How long had you been engaged in the Pension Office before that time, as an employé?—A. I came in in July, 1889, and this was, if I remember right, about December following.

Q. Yes, this was in December, 1889. During your entire connection with the Pension Office state whether or not you have ever known of any preference or ever had any orders to show any preference in regard to any attorneys or any particular attorney practicing before this Bureau?—A. Not in the least; the attorney is the last part of it that is looked at in the ordinary course of handling the claims and briefing them. About the last thing that is done is to see who the attorney is and who is entitled to the fee, and his name is then placed on the brief.

Q. How long had you occupied the position of chief of the division before Order 149 was promulgated?—A. Nearly five months; I went in in July.

Q. Were you familiar with the workings of the old system which was superseded by orders 149 and 151?—A. I was to that extent.

Q. You may state to the committee your judgment as to the relative merits of the completed-files system in comparison with the practice that was in operation in the Bureau prior to its execution?—A. My judgment is that it is a superior method. The work shows for itself that it is so.

Judge PAYSON. That is all.

By Mr. ENLOE:

Q. How many of the claims that passed through your division do you handle personally?—A. Well, that is rather a hard question to answer. Of course I have a great deal to come under my personal attention, and there is a great deal that goes through the office which is looked after by the chiefs of the sections and goes through my desk;

but for the general work of the office, the routine work, I just use the stamp.

Q. How many men have you under you?—A. One hundred and eighty altogether, clerks of all kinds.

Q. Then your personal knowledge as to the disposition of cases there, and as to whose cases are handled, and whether or not any clerk is showing any favoritism in his selection of cases, or anything of that sort in the selection of cases for this particular file system, that would be limited to your own personal observation, would it not?—A. In the first place, Mr. Enloe, the orders are—and I am out in the files a good deal of the time and, in fact, all through the division, giving it as much supervision as I can—when they come to a case which looks as if it was complete, it is the business of the file clerks, of which we have thirty in my division, to make out the proper slip and put it on the completed file; and I must say I have never seen one look to see who the attorney was. It is about as much as they can do to see whether the evidence is sufficient.

Q. Would you know whether or not any one of those thirty file clerks had looked to see who the attorney was in the case? Could you have any personal knowledge as to whether he did or not?—A. Unless I should be——

Q. (Interrupting.) I ask you if you do have personal knowledge as to whether or not that is done to any extent?—A. No, sir; I don't have any personal knowledge.

Q. If you have thirty men engaged in the selection of these cases, any one, or half a dozen or even more that, might be engaged in selecting the cases of a particular person and you could not know it, could you?—A. They might do it without my knowing it; yes, sir.

Q. Of course I am not questioning the orders you issue or the execution of them, but I am asking you what you know personally?—A. I understand that. Of course there are persons on the files who are looking after the files to a great extent. They are men in whom I have the utmost confidence. The presumption is that they are doing their duty.

Q. The presumption is that every man is doing his duty until the contrary appears?—A. It seems so; yes, sir.

By Mr. BROSIUS:

Q. In relation to what would transpire without your knowledge, I would like to know whether, from your experience in office as a chief, whether the preference to any attorneys, or in the selection of cases could go on to any considerable extent in your division without your discovering it in view of the amount of personal supervision you do give it?—A. Not very well, Mr. Brosius.

Q. Of course I understand that would depend largely upon the amount of supervision you give the work?—A. Yes, sir.

Q. I understood you to say that since the adoption of Rule 149 and the following rules that the efficiency of the work in the office was improved?—A. Yes, sir; materially, I think.

By Mr. ENLOE:

Q. About the time of the issuance of these orders, 149 and 151, did you hear anything of the talk of preference that was given to the cases of George E. Lemon?—A. I believe just after that I heard some talk to that effect, but I did not take much stock in it because I had 103 people on the files and I would have had to have been in collusion with all of them to have done anything of that kind, and the orders are strictly against it.

Q. You mean if you had done it yourself?—A. Yes, sir; or, in fact, if it had been undertaken. While I did not have personal supervision of it myself I had it divided up in sections, and there were three others beside myself who had charge who were out in the files looking after the manner and mode of doing the work.

Q. Did you pay any attention to the attorneys in the cases that were at that time called up in your division?—A. No, sir.

Q. You don't know anything about that?—A. No, sir; and I would also like to say that in taking the case for the purpose of looking whether or not it should be placed on the completed files, the brief is on this side and the attorney here, and this part of the case was never looked at until after they looked back here to see the call and what testimony was applied to it—whether or not it was necessary that it should be placed on the completed files.

By Mr. LIND:

Q. That was under Order 149?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you mean to say that was the general practice of every man working in your division?—A. No, sir; I do not mean to say that.

Q. That is what you believe was done?—A. Yes, sir; that was the order, and so far as it could be looked after by three or four of us it was followed up. Of course, there might have been a great many things done.

Q. Did you go round and see what your men were doing, and see if each one was doing the work in that particular way?—A. Generally I was round about. I was as numerous as I could be in order to see how we were getting along. I was anxious to get it done as soon as we could and not get behind the other divisions. We feel a little pride in keeping up on our work.

Q. Do you know how it was there was no record of those cases kept?—A. No, sir.

Q. You are keeping a record now, are you not, of the cases called up and placed on the completed files under Order 151?—A. We keep the slips of them and have done so all the time.

Q. Don't you know that it is kept in each one of the divisions and the clerks keep a regular record showing what cases are called up and placed on the completed files under Order 151. Do you know whether that is done or not?—A. No, sir.

Q. Don't you keep it in your division?—A. I keep a regular file slip for the purpose of keeping all these cases in their order and as fast as they are completed they are put in their order and I keep a record of the number of claims, whether one or five hundred or a thousand, but I don't aim to keep the names and numbers in a separate record. They are in the file cases to show for themselves.

Judge PAYSON. The file case makes its own record?

A. Yes, sir.

By Mr. ENLOE:

Q. Do you report to Mr. Bailey the cases taken up under Order 151?—A. No, sir; I report to the Commissioner at the end of each week.

Q. Did you keep any record along in February, 1890—commence keeping a record then, and keep a record from then, of the cases for the last six or eight months, showing what cases were taken up and what attorneys were employed in the cases?—A. No, sir.

Q. Do you know where Mr. Bailey got that record?—A. At one time I kept a record to show; that is, took all the case slips as they came in and went through them to see who the attorneys were.

Q. Was that done regularly or on one particular occasion?—A. I don't remember how long a time it was; I could not say.

Q. You are not doing that now?—A. No, sir.

Q. How long since you quit that practice; how long did you keep it up?—A. As I said before, I don't remember how long it was done. It was done for the purpose, if I remember right, just to see the number of claims being filed, how they were filed, and the attorney filing them?

Q. Do you know when that was done?—A. No, sir; I did not charge my mind with it at all.

Q. Do you know whether it was done since the adoption of Order 149 or Order 151, or before?—A. It was not done until after the order creating the completed files.

Q. Did you have any order from anybody to keep that record, to make that examination?—A. My recollection was it was a request, possibly from the Commissioner.

Q. Do you know whether it was kept up since that time or not?—A. No, sir.

Q. Is it not a part of the system?—A. No, sir; it is not.

By Mr. LIND:

Q. Do I understand you correctly in what you said, that although you keep no record, whenever the case is sent to the completed files the slip is filed showing that fact?—A. Yes, sir.

Q. Has that been done the entire time, and such a slip preserved showing the case has gone to the completed files?—A. Yes, sir.

Q. That has been done since the beginning of the work under the order?—A. Yes, sir.

Q. The keeping of such a slip?—A. Yes, sir.

Q. Are those slips preserved in your office to-day?—A. Not after the case is disposed of.

Q. How do you mean disposed of; by final allowance?—A. Yes, sir; by briefing them. The slip is destroyed after that, because their usefulness is gone by, and we would have our office full of useless papers if we attempted to keep them.

Q. While that slip was in existence, of course it was a record of the cases that had gone from the files?—A. Yes, sir; in fact, it showed just the record of the case that was on the completed files and the date of it. It was in a pigeon hole there, and after the case had gone through we had no further use for it.

The CHAIRMAN. What time was it you first heard, as you said, that Mr. Lemon's cases were getting a preference? I mean as to the fact of the issuing of order 149 and 151?

A. Well, it is very hard for me to say, but I should judge it was probably in the course of two or three weeks from that time, I should think.

Q. Can you tell where you got that information or where you heard this report?—A. Only the same as thousands of rumors we hear all the time.

Q. It was a rumor in the office?—A. I would not say it was in the office or not. You can not go out on the street and have anybody stop you without they commence talking shop to you.

Q. Was it among the employés of the office?—A. I would not be positive as to that.

F. H. ALLEN—Recalled.

By Judge PAYSON:

Q. What is your official position?—A. Chief of the southern division in this Bureau, in the Pension Bureau.

Q. How long have you been in that position?—A. Since the 16th of June, 1889.

Q. Were you present and on duty at the time of the action under order 149?—A. Yes, sir.

Q. You may state in your own way and as concisely as you can, and yet so as to make yourself thoroughly understood, what your practice was in your division with reference to the execution of that order.—A. I think I put about 90 men on the files. We examined all the cases to see if they were complete or looked to be complete, and if they were we placed them on the completed files, placing a slip on them, and when we got through, we counted our slips in the various classes to see how many we had of each kind.

Q. You may state whether there was any preference given to any attorneys in the execution of that order, in his cases.—A. There was not.

Q. During the time you have been acting as chief of that division and especially since Gen. Raum has been connected with the Bureau, you may state whether there has been any partiality or favoritism extended toward any attorney in your division in the prosecution of his business before this Bureau.—A. There has not been.

Q. If there had been would you have known it?—A. It don't seem to me it could have been possible without my knowing it.

Q. From the experience which you have had as chief of the division, in the adjudication of pension cases, you may give the committee your judgment as to the relative value of these orders as a system, the completed file system, as compared with the practice of the Bureau before these orders went into effect.—A. When the orders first came around I was opposed to them for two reasons: I thought it would take too much time to make the slips, and so thought it would delay the work, and I think it did a little at the time. At the present time, and for some time past, I think it has been particularly beneficial, because it has had the effect of having cases being brought up exactly in their order. Before, under the skinning of the files, they did not always get there.

By Mr. LIND:

Q. Under the operation of order 149, did it become necessary in the execution of that order sometimes to take up and dispose of claims which might not have been reached under the system prevailing prior to that time?—A. No, sir; I think at first, when the order first went into effect, before we fully understood it, we sometimes caused the calls to be made.

By Judge PAYSON:

Q. Did you go through all the files?—A. Yes, sir.

Q. And as a consequence, cases that might have been overlooked under the former system were bound to be discovered and passed upon?—A. Yes, sir.

Q. Under this order 149?—A. Yes, sir; it left it so that there could not be any of them missed.

Q. You treated all claimants, whether represented by attorneys or not, alike?—A. Yes, sir; attorneys did not cut any figure in the case at all.

Q. Under order 149?—A. Yes, sir. And further than this, if an attorney filed his certificate, why the case went onto the completed files.

Q. That was under the later order?—A. They came so near together I can't tell the number of either of them. I call them both the completed files order, I don't remember the numbers of either of them.

By Mr. ENLOE:

Q. I will ask you if an attorney had knowledge of the intent of the Commissioner to promulgate orders 149 and 151, could he not have prepared himself and his cases in advance so that in an examination of the files he would have had a very large advantage in selecting those that appeared to be complete?—A. It would not make any difference in the examination of the files. After the files were examined, if a slip came in on a case he can not get it there any quicker than it would come in the order and as the men were doing the work.

Q. If he had his cases prepared before that order went into effect would he not get the benefit of it?—A. If the cases had been complete they would have gone on the completed files.

Q. You could not know everything that was done by each individual?—A. No, but to do anything out of the regular order there would have to be a combination of more than one clerk.

Q. Would it be out of the regular order for a man to take a case that appeared to be complete and put it on the file? Did you find that they were all complete?—A. No, sir.

Q. Didn't you find that they made some mistakes?—A. Yes, sir.

Q. What percentage do you suppose of that 35,000 cases that were selected were complete?—A. I don't know. I can tell very near, though.

Q. How many did you have from your division?—A. I don't know, but I have a record of it.

Q. Under that order?—A. Yes, sir.

Q. Can you approximate how many?—A. No, sir; if a file clerk placed a claim upon the completed files with the view of representing it as complete he would have to have the examiner in the ring, otherwise it would not go back.

Q. That is presuming the examiner and file clerk didn't understand each other?—A. There would have been a combination all the way through.

Q. As a matter of fact, didn't a very large number of those cases have to be returned because they were found incomplete?—A. Yes, sir; and that is so to-day.

Q. That is owing to the fact that the examiner is misinformed or misunderstands it?—A. Here is an affidavit which comes in that is supposed to complete the case, they give it a hasty glance and put it on the completed files. Upon careful examination by the examiner it is found that the affidavit does not complete the case, that the affidavit does not fill the bill.

Q. Suppose that an attorney gets a very large number of his cases called up, or did at that time, and get them placed on this completed file and they were not complete, was it not some advantage to him to have the exact status of each one of these cases furnished to him at the time, so that he could furnish his evidence and complete the case?—A. If he got it, it would; but he did not get it.

Q. Didn't you notify the attorneys?—A. Yes, sir; we did at first, but we discovered they were taking advantage of it and we stopped it. The Commissioner gave an order to send them back to the files.

Q. You did that for some time after the adoption of order 151?—A. Yes, sir, for two or three months, until we got on to the fact that they were taking advantage of it in that way. We would want to correspond with the witnesses, sometimes we would have to verify the comrade's affidavit by the record in the War Department, and sometimes an examination would be deemed necessary from the medical division. The medical division hardly ever sends an order for the examination of the claimant through the attorney, and there has been a good deal of kicking by the attorneys for that, but they do not get it.

Q. That is, since you stopped furnishing them this information?—A. Yes, sir; that has been for, I should judge, about two years.

Q. Would you have any opportunity or any means of personally knowing what attorneys cases were passing through your division and being adjudicated?—A. I know of a great many attorneys that go through there.

Q. Could you swear here now that you know anything about what attorney's cases were passing through your division during this time?—A. Only such as I remember the names of. There are ten thousand practicing before this Bureau.

Q. Would your knowledge be general or limited?—A. General.

Q. You mean it would be comprehensive or limited?—A. It would be limited to the names, because of the lack of memory.

Q. Do you remember anything about the cases of Lemon; whether there was a very considerable number of them going through your division at that time?—A. I don't think there was any more of his cases than his proportion. I don't think he got in his completed files slips quite as early as some other attorneys.

Q. What other attorneys do you think got in earlier than he did?—A. I think Crowley was one of the first, J. B. Crowley; that would be my recollection of it. I know we talked about it at the time.

Q. Do you remember anything about the cases of Lockwood?—A. Not in particular. I remember he has a good many cases here on file.

Q. Do you know anything about the cases of Stevens & Co.?—A. I know they have a good many cases. I could not tell how they got in their slips, though.

Q. Do you know anything about the cases of Morris?—A. My impression is I spoke at one time that he was a little late getting in his; that is only an impression, however.

Q. Do you remember any others except those?—A. I dont remember making any remarks of any except Morris and Crowley.

Q. You made some comment on Lemon's cases?—A. On the number.

Q. On the number, not on the time?—A. My recollection is that I remarked Lemon was rather late in getting in his; I think he was. That there were others who got in a good deal quicker than he did.

Q. They were all in Washington?—A. I think some outside. I think Fitzgerald, of Indianapolis, got in pretty soon after.

Q. How long was it before they began to come in?—A. I could not approximate.

Q. Do you remember whether it was a month or not?—A. No, sir; I do not. It may have been a month, or two weeks, or six weeks. At the time, of course, we did not consider it a question of very much importance, only the detailing of additional clerks to make those additional slips.

By Mr. BROSIUS:

Q. It was a race for knowledge?—A. Yes, sir.

Q. Those who were nearest the source of knowledge got in ahead?—A. I suppose there was less of that in my division than others, owing to the nature of the constituency.

By the CHAIRMAN:

Q. Just look at this list of attorneys here, that is given in that statement of Mr. Bailey's, and see how many are residing outside of Washington. (Hands printed record of investigation to witness.)—A. Marring, Slusher & Co. reside in Indiana, I believe. They are the only ones on the slip. Here is M. D. Stevens & Co.; I think they have offices in Chicago and Cleveland.

Q. And also here?—A. Yes, sir; I believe so. All except Marring, Slusher & Co., I understand, have headquarters here.

Q. And that covers the period of time when?—A. From the 3d of February to August 6, 1890. In our division we never have given any attention to the attorneys, any further than to see who was entitled to the fee.

By Mr. ENLOE:

Q. You gave some attention to it about the time this record was made up, didn't you?—A. No, sir; I never saw that record.

By the CHAIRMAN:

Q. What was the system in vogue prior to the orders 149 and 151, known as the completed files?—A. We had none.

Q. You spoke of skinning the files?—A. That was a sort of a strife to get in as many cases as possible between the examiners. Sometimes we would have cases on the desk, but they were not ready to brief, and I would have the chief of sections hunt around every morning to see how many cases were ready to brief.

Q. Do I understand that under order 149 there was an endeavor to put all the cases on the completed files?—A. Yes, sir; and every case that was completed was put on the files. Of course, at that time there were no completed file slips or attorneys.

Q. That was the action of the office itself under order 149?—A. Yes, sir.

Q. Have you any knowledge as to how this order 149 came to be made?—A. No, sir; I don't know anything about it. I did not know anything about it until I read it in the newspaper.

Q. You knew nothing about the correspondence between Mr. Lemon and the Commissioner?—A. No, sir.

Q. Or the letter of Mr. Lincoln?—A. No, sir.

Q. Or the letter of Mr. Bryant?—A. No, sir; I did not know anything about it except what I read.

Q. You say for a time it did what?—A. For a time it confused us. I was for a time opposed to it, when it was first issued, and it took three or four months to get educated up to it, to get the clerks educated, and in fact I needed it as bad as the clerks did. I think after it reached its present state of completeness it is a good thing, because of its fairness, and I think now it is a good thing, and I would not go back to the old plan if I could. I don't know as I get out any more certificates.

Q. Then the effect of that order has in its natural tendency, and the natural result would be, that the attorney who had the largest number of cases in the Bureau would have the greatest benefit from it?—A. If he furnished the evidence he would.

Q. I mean under order 149?—A. Yes, sir; the man who had the largest number of cases, and they were apparently completed, he would get the most benefit.

Q. Do you know who had the largest number of cases?—A. I do not. I have always understood that Lemon has been the leading attorney of the United States, so far as numbers are concerned.

By Judge PAYSON:

Q. Well, under any system of administration the lawyer having the largest number of cases would get the most business, would he not?—A. That was the rule in the court over which I presided.

By the CHAIRMAN:

Q. Under the skinning process of the files, as you say, it might happen that a few cases might be skipped?—A. It would hardly be probable that a man with a thousand cases would have as many complete as a man with five thousand; that is, in proportion.

By Judge PAYSON:

Q. You use the technical expression skinning the files?—A. Yes, sir; I would send the chief of the sections out and ask them to pick out cases in which evidence had been applied which would appear to answer the call.

Q. Since the first examination?—A. Yes, sir.

The CHAIRMAN. You mean since the last examination?

Judge PAYSON. Yes; I should say since the last examination?

A. Yes, sir; if they appeared to be complete and ready to brief, the object was to get them out of the files and get them ready to brief.

Q. I have an idea under this skinning the files process that you wished only to keep up with the board of review?—A. I think it was done more out of a spirit of rivalry of the division to get the cases adjudicated; and the examiners wanted to make as good a record as possible, as they have to stand on their records, and of course they did it to get their cases through.

Q. There was no attempt to put all the cases on the completed files?—A. We would try to get everything out that was complete. We were pretty nearly able to keep up until this great flood came in under the law of June 27, 1890.

Q. What was the difference then between this order and order 149?—A. We might skip some.

By Judge PAYSON:

Q. Did it not make this difference, that under order 149 you had a regular and orderly way of doing business?—A. We had no order before at all. It was a race to get to the front.

By Mr. ENLOE:

Q. Would you consider the files skinned if it had some of the material papers taken out of it?—A. Yes, sir; I should say so. If I had my idea they would not go up to the deputy commissioner's room at all. I have been fighting that for some time.

By Mr. LIND:

Q. Assuming, then, that there had been clerks, either individually or in combination, disposed to favor particular attorneys, which system would have afforded the best opportunity, the one now prevailing or the skinning system?—A. It would not make any difference in that respect. If a file clerk knew of a case belonging to you as an attorney

and he wanted to get it out he could go and get it and get it to the examiner's desk, and if the examiner was in cahoots with him they could do it.

Q. I mean in getting the case to the desk?—A. There would not be any difference.

By Judge RAYSON:

Q. Why?—A. Under the present system most of the file clerks—the most they could have to do would be to get it on the completed files and the proper slip in the pigeon hole showing the order in which the last piece of evidence was completed.

Q. But under the old practice could he not just draw a case and put it in and let it go to the examiner's desk without any order?—A. Certainly. If he was a rascal he could make a different date on the file slips to correspond with his action. That is a pretty wild supposition.

By Mr. LIND:

Q. Under which system could that best be done?—A. The opportunity would not be as good now as before, because there is a more careful account kept of the whereabouts of the cases all the time.

By Mr. BROSIUS:

Q. Could they do that now? Could they perpetrate a crime of that sort now, under the existing system, without detecting it by the file clerks?—A. It would be pretty hard, because of the stamp. On all the evidence that comes in for the completed files a slip is placed which shows the date; that is stamped in the mail division, and it takes, perhaps, about a week before it gets to the other division.

Q. A file clerk would be likely to discover it?—A. Yes, sir; he would be very likely to do it.

By Mr. DUNGAN:

Q. I don't understand there is any record kept of the completed files?—A. It all goes right in the file, and on each case is a slip giving the number of the claim, name of the claimant, and name of the company and regiment in which he served. Down on the margin is a series of dates, and also the examiner's name, which, we will say, is John Jones. January 1 it started out, who it is, to John Jones, whose name is up above; after that the call is made for the last affidavit, and that goes in in the order that it comes in, and we turn over the slip and mark on the back of the slip the date of the filing of that affidavit, and take the slip off the case and put it in a pigeon hole. Then when the examiner wants work he can go to the pigeon hole and draw out the latest slip and take this slip and go to the file case and draw the case out. The file clerk keeps track of all those slips that go into the pigeon hole. It shows the number of the original claim and increased claim, and if it completes it it is put on the completed files. It takes some time for the cases to get to the examiners that have been put on the completed files; probably they have been filed three weeks before. The examiners examine in all four thousand claims; there is a little slip which shows, says completed files, and if complete they put them over there; if not, they say not complete and put over in another pile. Saturday night the chiefs of sections count those cases, and these cases in this pile too, and in that way we get the total number of completed cases examined during the week. That represents the number examined and found complete and this represents the number examined and found incomplete, and they make a report to me each Monday morning

By Judge PAYSON:

Q. For the week preceding?—A. Yes, sir; and the report would say 1,000 cases examined—complete, 700; incomplete, 300.

By Mr. BROSIUS:

Q. And the incomplete cases go back to the files?—A. Yes, sir.

Q. Then as additional evidence comes in they are gone over again?—A. Yes, sir.

By Mr. DUNGAN:

Q. Where do those incomplete cases go; back to the files so as to be taken up next, or do they go way back?—A. Yes, sir; to the pending files and remain until they are complete.

Q. Do they go back ahead of the cases that have moved up to there or do they go to the rear?—A. They go to the rear.

Q. They go behind the others?—A. Yes, sir; but if it goes back to-day because it is incomplete and to-morrow the evidence comes in that completes it, then it would be measured by the coming in of the affidavit and not by the date of its going back to the files.

By Mr. BROSIUS:

Q. It does not go back to the completed files, but to the pending files?—A. Yes sir.

By Mr. LIND:

Q. No evidence is received and applied to a case when it is in the completed files?—A. If a case is on the completed files and the evidence comes in, it goes in.

Q. But no calls are made?—A. Yes, sir.

By Mr. BROSIUS:

Q. Evidence coming in will find the case?—A. Yes, sir; and if essential it will follow it to the board of review; if not, we will strap it to the slip. We get the file slip and it bears the same date and number, and if this evidence that has come in during the absence of the claim is essential we will draw the case and apply it, and at any rate we draw it and put the evidence in the case where it applies.

Q. Now, with all your knowledge and experience, do you think you would be able to devise a scheme that you think would be more efficient in advancing the work of the office than this completed file system?—A. I think the completed file system as conducted now and as perfected is as near perfect as my poor, weak brain could fix it.

By Mr. ENLOE:

Q. Are you at all familiar with the arrangement which has lately been established in the Pension and Record Division of the War Department?—A. Only as I became familiar with it in making calls. I was there half a day in 1889. I thought their system was very good.

Q. Don't you think the introduction of such a system would enable them to reduce their force and increase the efficiency of the office in the Pension Bureau?—A. No, sir; they are not doing their work efficiently over there.

Q. You say you know the division over there is not what it ought to be?—A. I know they make lots of mistakes and do not give us the information that they ought to. I don't guess at it, but I know it.

Q. You mean that they give you incorrect information?—A. Frequently incorrect and frequently not all the information that we call for.

Q. Do they correct it?—A. Sometimes they do by sending back and wanting to know why we want it corrected.

Q. You don't much like the administration of that division up there?—A. I never met Capt. Ainsworth in my life. I think they are crowdings things there too much to give us the record we want. I recollect of writing a letter to the Commissioner in regard to that some two or three months ago. The letter may be on file somewhere now.

Q. How many cases do you remember of inaccuracy within the last twelve months?—A. Well, sir, I don't hardly think there is a day passes but what my attention is called to that. My rereviewer could recite it more particularly than I could. I don't think the same system can work at all in the adjudication of pension claims that you can use in keeping records. A pension claim which is in one condition to-day will be in another condition to-morrow as it is changed by the evidence which is filed.

By Judge PAYSON:

Q. Their work there is purely statistical?—A. Yes, sir; while ours is changing all the time.

By Mr. ENLOE:

Q. You say there are more errors made over there than there are errors made in your division?—A. No, I did not say that. I think there is, however, in the proportion to the amount of work.

Q. In proportion to the number of persons employed?—A. Yes, sir; that is under the head of clerical errors. They have no chance to make errors of judgment over there. Their work is all copying of records.

TESTIMONY OF C. W. FILER.

C. W. FILER sworn and examined.

By Judge PAYSON:

Q. What is your official position?—A. I am chief of the old War and Navy division.

Q. How long have you been occupying that position?—A. Since the last week in April, 1889.

Q. Were you in actual service in the Bureau of Pensions at the time of the execution of order 149?—A. I was.

Q. State in your own way, and at the same time as concisely as you are able to, the nature of that order?—A. Order 149?

Q. Yes, sir.—A. I put my whole force on it and went through the files and all that appeared to be complete were thrown out.

Q. For what purpose?—A. For the purpose of examination and to be placed on the completed files.

Q. In the execution of that order you may state whether there was any favoritism or partiality extended to any attorney practicing before this bureau?—A. Not in the least.

Q. During the time that you have been occupying the position that you are now occupying, or been engaged in this Bureau, and especially during the time that Gen. Raum has been acting as Commissioner, have you known of any order, or of it having been done in any way, of any attorney being shown any preference before this Bureau?—A. Not a particle.

Q. Have you ever had any orders to do so?—A. No, sir.

Q. Please state your judgment as to the relevant merits of the completed-file system and the system in operation before the system of completed files was consummated?—A. This completed-file system would not be quite as much change in my division.

Q. I am asking in a general way in the business of the Bureau.—A. It is a great advantage to the Bureau, in my estimation, in every way.

Q. In your experience as chief of the adjudicating division, you may state whether you know of any better system than the completed-files system, as perfected and in operation now.—A. Not as it is working now. I don't think it would be possible to devise a scheme that would be any fairer.

By Mr. ENLOE:

Q. How long have you been chief of division?—A. Since April 18, 1889.

Q. Did you have any previous experience in the Pension Ofice?—A. Not a particle.

By Mr. DUNGAN:

Q. I understand you to say that the completed-files system did not make much difference in your line of work?—A. No, sir. When I came here our part of the system there was about the same as the completed-files system is to-day.

By the CHAIRMAN:

Q. Then the principal change would be in the order 151 giving attorneys authority to call up cases?—A. No, sir, not in giving attorneys, but in drawing those cases first. The cases were drawn for adjudication and were drawn from the oldest piece of evidence, of course the completed-files system is the same system.

Q. Under the old system attorneys could not certify their cases onto the completed files, could they?—A. No, sir.

R. A. DURNAN—Recalled.

By Judge PAYSON:

Q. You have been sworn?—A. Yes, sir.

Q. How long have you been chief of division?

The CHAIRMAN. Which is your division?

A. Western division. Since November, 1889.

By Judge PAYSON:

Q. Were you occupying that position at the time that order 149 was promulgated and enforced?—A. Yes, sir.

Q. State in your own way exactly what was done with reference to that and under that order as to the particular work in your division.—A. I took charge of that work myself in preparing those cases for the completed files. Such cases as we believed to be complete from a hasty examination were laid to one side and slips were made and attorneys notified of it.

Q. You may state, in the execution of that order, if there was any partiality or favoritism extended to any attorney practicing before this Bureau.—A. No, sir.

Q. During the time you have been connected with this Bureau, and specially since Gen. Raum has been connected with it as Commis-

sioner, do you know of any favoritism having been extended to any attorney?—A. No, sir.

Q. What is your judgment as to the relative merits of this system as compared with the previous rules?—A. I believe that at this time, and for some time past, it is a better scheme than the old one—a better system than the old one.

Q. The principles involved in it are right?—A. Yes, sir; I think so.

Q. Would it be practical for any substantial favoritism to be extended to any attorney without a combination on the part of the employés of this office?—A. It could not be.

Q. And you may explain why you think it could not be.—A. Well, the case has to be handled by too many people, in the course of its adjudication. It is first handled by the file clerk, who draws the case from the files and sends it to the examiner. If the case is complete, it is arranged and briefed by the examiner and put upon the section chief's desk. He examines it and it then goes to the board of review and examined by the reviewer and rereviewer and sent to the medical division, where it is examined again, and then it comes back to the board of review and goes to the raters, who put the rates on after the medical action has been taken. Then it goes to the attorney's desk, where that part of it which goes to the payment of a fee is acted upon. Then it goes to the certificate division, where the certificate is written .And in order for any favoritism in the consideration of a claim to be extended to an attorney for him to get any practical benefit of it, it would require more or less combination all along the line.

By Mr. ENLOE:

Q. The first step that is taken, Mr. Durnan, in collecting those cases, was to have the examiners go through the files and see what cases appeared to be complete?—A. Yes, sir.

Q. Now if the file clerk or a number of the file clerks and examiners desired to do so, couldn't they or any two of them have done that?—A. Yes, sir; I should say so, but it would have been known inside of forty-eight hours afterwards.

Q. How would it have been known?—A. From a long experience in the Pension Office I think I can safely say that there is never anything done which will affect the office work in any way which is not pretty soon known throughout the Bureau.

Q. That is a general answer?—A. Yes, sir; that is a general answer.

Q. And a general opinion?—A. Yes, sir.

Q. You don't undertake to swear there is not anything of the sort done?—A. No, sir; but a knowledge of the office is what makes me say a thing of that kind could not be done and not soon be known.

Q. Don't you know as a matter of fact there are some things known here that clerks are afraid to speak about on the outside?—A. No, sir; I don't know that.

Q. Do you know anybody in here who writes anonymous letters and sends them out, giving pointers about this investigation?—A. No, sir; I do not.

Q. You did not personally supervise the examination of each one of these cases of the portion of the 35,000 taken out of your division, did you?—A. No, sir.

Q. Did you know anything about the talk that was at that time going on, that Lemon was getting a pretty good thing out of this?—A. No, sir; I heard no talk of that kind. There was some general talk about who got the most circulars, notifying them that their cases had

been put on the completed files in my division, and I happened to have an excellent way of finding that out.

Q. How did you find it out?—A. We sent these circulars notifying claimants and attorneys that their cases had been put on the completed file, and the cases of attorneys or firms having a large amount of business, to avoid mailing each one singly, we would put them in large packages like this, and that was all done in my room, and I could tell by the size of the packages who was getting the most notices.

Q. Whom did you find got the most?—A. I think John W. Morris, of this city, got the most notices from my division; and then J. B. Crowley, and P. J. Lockwood, and George E. Lemon, I think, was the order.

By the CHAIRMAN:

Q. That comes in in a statement of Mr. Bailey?—A. I presume Mr. Bailey's statement embraces that.

Q. That would be just the cases that came in after order 151 was made?—A. That does not embrace these cases. It is all the cases the office had put on the completed files.

By Mr. ENLOE:

Q. Did you keep any record of these cases put on the completed files, so that you could trace them now?—A. No further than the slips.

Q. They are not in existence now?—A. No, sir.

Q. Have you been keeping any record since that of cases put on completed files?—A. No, sir; except by the slip system.

Q. Had you had any previous experience in the Pension Office when you stepped into the position of chief?—A. Yes, sir.

Q. When?—A. I was appointed in the office in 1881 and was in the office until June, 1887, when I resigned.

Q. Did you resign voluntarily at that time?—A. I did, sir.

Q. What position did you hold in the office then?—A. I was then a special examiner, and for two years supervising examiner in charge of the Columbus, Ohio, district, and special examiner in the field. From March, 1886, until January, 1887, I was an examiner at the desk in the eastern division.

Q. Those attorneys who got the benefit of the slips you testified about awhile ago were all attorneys practicing in Washington City, were they not?—A. Yes, sir.

By Judge PAYSON:

Q. When you say got the benefits of the slips you mean got the larger number of the slips?—A. Yes, sir.

Q. Other attorneys got the benefit of it if their cases were completed?—A. Yes, sir.

TESTIMONY OF WILLIAM N. REYNOLDS.

WILLIAM N. REYNOLDS sworn and examined.

By Judge PAYSON:

Q. What is your official position?—A. Chief of the middle division of the Pension Office.

Q. How long have you been occupying that position?—A. Since the 1st of February, 1890.

Q. At the time order 149 was being executed from December 6 to January 7?—A. I was not in the office.

Q. You were not in the office?—A. No, sir.

Q. During the time you have been chief of this division you may state to the committee whether there has been any favoritism or partiality extended to any attorney practicing before this bureau to your knowledge?—A. There has not been.

Q. Has there ever been any order or intimation to you that there should be?—A. No, sir.

Q. Could there be anything of that kind in your division without your knowing it; that is, to any extent?—A. I should say not.

TESTIMONY OF LOUIS REINBURG.

LOUIS REINBURG sworn and examined.

By Judge PAYSON:

Q. What position do you occupy in the Pension Office?—A. I have charge of the files of the old war and navy division, assistant chief.

Q. Were you occupying that position in December, 1890?—A. Yes, sir.

Q. Were you on duty in the Bureau at the time of the execution of order 149?—A. Yes, sir.

Q. State to this committee what part you took in that.—A. I had charge of the files in the old war and navy division and have had since 1876. Of course I carried the order on as soon as I received it and put the examiners on and seen that the work was done.

Q. During the time of this execution were you giving personal attention to that?—A. Yes, sir.

Q. You may state to the committee whether there was any partiality or favoritism toward any attorney practicing before this Bureau in the execution of that order.—A. No, sir.

Q. Did you have any order or intimation that anything of that kind should be done?—A. No, sir.

Q. Since you have been connected with the Pension Office, and especially since the incumbency of the office of Commissioner by Gen. Raum, have you ever known or have you any reason to believe there was any partiality or favoritism extended to any attorney in the adjudication of cases in this Bureau?—A. I have not.

By Mr. ENLOE:

Q. You would not expect Commissioner Raum to issue an order discriminating against an attorney, would you?—A. I should not think he would; I know I would not if I were in his place.

Q. Did you see every clerk under your control in your division and see what he did under the execution of order 149?—A. I tried to do so, sir. Ours is the smallest division in the Bureau. We have only 72 clerks employed there.

Q. Would you be so you could know just what each one of those 72 clerks were doing?—A. My duty is to go around the division.

Q. Well, just answer the question?—A. Well, I should think I would; yes, sir.

Q. You can testify positively, you think, that you know what was done exactly in each one of those cases?—A. Yes, sir, I think I could.

Q. That is all I wish to ask you.

TESTIMONY OF J. F. BLACKMAR.

J. F. BLACKMAR sworn and examined.

By Judge PAYSON:

Q. What position were you occupying in the Pension Office during the month of December, 1889, and January, 1890?—A. I was under Mr. Reinburg in charge of the old war and navy.

Q. Did you have anything to do with the execution of order 149, the completed-files order, when it first came out?—A. In examining the files?

Q. Yes, sir.—A. That is principally done by the examiners.

Q. Did you have anything to do with it?—A. Only to see that the cases went to the examiners.

Q. You didn't have anything to do with the files to see whether or not they were complete?—A. No, sir; I did not personally touch that at all.

TESTIMONY OF R. P. MINSHALL.

R. P. MINSHALL sworn and examined.

By Judge PAYSON:

Q. What official position did you occupy in the Pension Office in December, 1889, and January, 1890?—A. In the regular Army files of the old war and navy division.

Q. Did you have anything to do personally with the execution of order 149, the order known as the completed-files system?—A. I did.

Q. You may state in your own way just what you had to do and what you know of others doing in connection with the execution of that order.—A. We were told to draw the cases from the files on the attorneys slips, which was a green one—we had a green slip for that purpose—and when the cases were completed we placed them on the completed files and drew them in their regular order.

Q. In the execution of that order and selection of the cases from the pending files to go on the completed files, state to the committee whether there was any partiality or favoritism extended toward any attorney practicing before this Bureau.—A. No, sir; there was not.

Q. From such means of knowledge as you have, was there on the part of anybody?—A. No, sir.

Q. So far as you know?—A. No, sir.

Q. During the time that you have been connected with this office, and especially since Gen. Raum's incumbency of the office of Commissioner, state whether there has been in the adjudication of cases in any way any partiality or favoritism shown towards any attorney.—A. None whatever to my knowledge.

By Mr. ENLOE:

Q. How many men have you at work under you?—A. There are four.

J. R. VAN MATER.—Recalled.

By Judge PAYSON:

Q. You may state to the committee, Mr. Van Mater, what you may know with reference to the execution of order 149 with reference to the completed files.—A. Well, the completed files, you know, are not under

my immediate supervision or observation. I simply know that the order was issued, and has been executed in good faith so far as I know.

Q. How long have you been connected with the Pension Office?—A. I have been connected with the Pension Office for twenty-five years.

Q. How long have you been connected with the board of review?—A. I have been chief of the board of review for ten years in August.

Q. From your knowledge of the present system, known as the completed-files system, and the practice that was in operation before that system was adopted, I will ask you to state to the committee what your judgment is as to the relative merits of the two systems.—A. I approve of the completed-files system. I think it is a very great benefit to the claimants to know when their cases are complete. I think any system that tends to save correspondence is a valuable one, and it always struck me that if that system was carried out in good faith it would meet that requirement.

By Mr. BROSIUS:

Q. By saving correspondence means to save time?—A. Yes, sir; it would save the time of the clerks and they could be putting that time on other work.

By Judge PAYSON:

Q. During the time you have been connected with this office, especially since Gen. Raum has been Commissioner, do you know of any partiality or favoritism being extended to any attorney practicing before it?—A. No, sir; never.

Q. Has there ever been any intimation or direction to you, or anybody that you know of, that any partiality should be given in the consideration of any cases?—A. No, sir; never.

TESTIMONY OF JOHN E. PARKER.

JOHN E. PARKER sworn and examined.

By Judge PAYSON:

Q. What official position do you hold, Mr. Parker, or did hold in December, 1889, and January, 1890?—A. I was in charge of the files of the Eastern division.

Q. Were you on duty when order 149 was issued and have charge of its execution as far as your division was concerned?—A. In regard to the completed files?

Q. Yes, sir. State to the committee what you did in pursuance of that order with the files.—A. In the first place we had some men detailed to go through the files and make out such cases as appeared to be complete.

Q. You may state whether in the execution of that order, either by you or the men under you, there was any partiality or favoritism extended to any attorney practicing before this Bureau.—A. Not to my knowledge.

Q. If there had been would you have been apt to know it?—A. I think so.

Q. Since you have been connected with the Pension Office, and particularly since Gen. Raum's incumbency as Commissioner, has there been any partiality extended towards any attorney?—A. Not to my knowledge.

By Mr. ENLOE:

Q. How many men have you in your division?—A. I don't exactly know. In the files?

Q. Yes, sir.—A. In the files there are about 28 of them. Sometimes more than that and sometimes less.

Q. How many were on the files at the time you were preparing for the execution of order 149?—A. I don't know as I could tell exactly. I should think in the neighborhood of 25 perhaps, and perhaps not as many as that.

Q. This work of going through to find out these cases was done by examiners who were detailed for that purpose?—A. Yes, sir; because they could tell better by looking at a case whether it was complete or not than a file clerk could.

Q. How many detailed examiners did you have at work?—A. Indeed, I could not remember and could not recall the number.

Q. Were you examining cases yourself?—A. No, sir; I have never been an examiner myself.

Q. Were you supervising that work when they were doing it?—A. I didn't pay much attention to that part of it, because they had their instructions from the chief of the division as to what they were to do.

Q. What part of it did you have?—A. I simply had general charge of the work on the files. When a detail is made for that purpose I don't know much about what they do.

By Mr. DUNGAN:

Q. You did not make the detail yourself?—A. No, sir.

By Mr. ENLOE:

Q. And you don't know much about what was done under that?—A. I think if there had been anything of that kind, any favoritism to attorneys, I would have been apt to know it.

By Mr. DUNGAN:

Q. Who selected the men for the detail?—A. The chief of the division.

Q. Is there a record kept so that we could tell now who were selected to do that work?—A. I don't know.

By Judge PAYSON:

Q. Who was chief of the division?—A. Mr. Willhite.

By Mr. ENLOE:

Q. You think, then, that there could not have been any favoritism without your knowing it?—A. I think I would have known it.

Q. Do you think the men if they had been engaged in that business would have come and told you about it?—A. I don't think they would have told me, but somebody else would have told me.

Q. Why would it be necessary for anybody else to know it?—A. I know if there is any work of that kind, if there is anything unusual, it would be talked about and I should be apt to hear of it. Of course I suppose the man would come and tell me if he was doing that sort of a thing on the sly.

Q. Suppose there were two or three of them doing it, would they come and tell you, or would they do it so you would not know it?—A. It could be done without my knowing it.

Q. You are just testifying that you did not think it was done on your general confidence in the clerks in the office?—A. Yes, sir, I don't think there is anything of that kind done.

Q. Do you know anything of how the work was done prior to the adoption or order 149?—A. Yes, sir.

Q. What was the method then of selecting the cases?—A. Have the evidence applied to the cases, each case has a file slip attached to it in the file. When we get a case in we make out a slip of that case before it goes into the files at all; then, when that case is drawn, the slip is put on it, showing where it went; when it is returned to the files it is put back onto it again, this slip is. When the evidence was applied the slip was drawn, and of course each day we would have quite a bunch of them. Those were distributed into the different pigeonholes. We had a pigeonhole for each examiner, with his name on it. Those slips are put in on top; when that examiner required work those slips were drawn from the bottom.

Q. In what respect does the new practice differ from that?—A. The new practice, the completed files, we draw in the same way by dates, but then we did not have any dates, and we did not know either whether this evidence completed the case or not.

Q. You keep the dates now, but you kept them in an order before?—A. Yes, sir; we kept them in the order that the evidence was applied to them.

Q. So that the only difference would be that you kept the order of the cases by arrangement instead of by dates at that time?—A. Yes, sir.

Q. And now you keep it by dates?—A. Now we put on a slip of the date of the filing of the evidence which appeared to complete the case, and those slips are arranged according to the dates.

Q. There is another difference since the adoption of order No. 151, by allowing attorneys to call up cases?—A. That I don't know anything about, except that cases are sent for and drawn and sent up to the room of the Deputy Commissioner.

Q. Do you know anything about what is done when the attorney files a slip stating his case is complete and ready to go on the completed files?—A. You mean the completed files?

Q. Yes, sir.—A. If they are stamped approved by the law division they are sent down and when we apply it to that case they are counted as complete, of course. Of course if it is not complete it is accounted for and returned to the pending files.

By the CHAIRMAN:

Q. How long did you say you have been in the office?—A. I came in in December, 1882, under Gen. Dudley.

Q. Do you know about how many clerks were detailed all through the department under order 149, or examiners to do this work?—A. No, sir.

Q. About how many were there in your division?—A. I could not tell that; there must have been somewhere between 25 and 50; I could not tell any nearer than that.

Q. Under this order there was an attempt to go through with all the files with a view of putting the cases on the completed files?—A. Yes, sir. When the order was first issued that was what was done, and after that they were put on as they were completed, on the evidence or slip, stamped "approved" at the law division.

Q. Under the preceding system, sometimes designated as the skinning system, was there any concentrated efforts to get all the cases?—A. We didn't have any regular system, but we went through and attempted to take every case where a call had not been answered for

a long time. These were taken out and sent to examiners to see if they could do anything with them.

Q. Do you know whether there was any regularity about going over these files under the old system or not; I mean in respect to having a certain day that you would hunt them up?—A. No, sir, we used to commence and go through the whole files, and the next time it was taken up we would commence again and go all through from the highest to the lowest number.

By Judge PAYSON:

Q. About how long would it take you to go through; about how many times would you go over the files during the year, if more than once?—A. I don't think we would go through with them more than once a year.

By the CHAIRMAN:

Q. In that connection, do you remember the last time they went through for the purpose of skinning the files, if you want to use that term, before the date of order 149?—A. We went through to place everything that ought to be on the completed files as late as March.

Q. I mean in 1889?—A. This year?

Q. I mean previous to order 149 that was issued in December, 1889.—A. I think we had been through about the 1st of July.

Q. In your division?—A. Yes, sir; the whole office, I think.

Q. And you say you were in the habit of going through about once a year?—A. Yes, sir.

Q. So that in the absence of order 149 it would have been passed over until about the 1st of July of the next year before the skinning process commenced again?—A. No, sir; I don't know as it would have been that, because whenever they got short of cases——

Q. (Interrupting.) If they had work all the time you would not have gone through the files again, but if they had gotten out of work you would have gone earlier than July?—A. Yes, sir.

Q. But if they had not you would have ordinarily waited until July, 1890.—A. I suppose so.

TESTIMONY OF C. C. BOYD.

C. C. BOYD sworn and examined.

By Judge PAYSON:

Q. What official position did you occupy in the Pension Office in December, 1889, and January, 1890?—A. I was working in the invalid sections of the files.

Q. What division?—A. Southern division.

Q. Did you have anything to do with the execution of order 149 personally; did you do any work under it?—A. I was present when they started this system.

Q. You may state in your own way what was done with the files with which you were connected under that order?—A. At first there was a little confusion, I might say.

Q. Just what did you do?—We drew the slips and entered them on the completed files and pigeon holed them.

Q. Of the cases you assumed were complete?—A. Yes, sir; so we could draw them out. When the men wanted work we could draw those cases out for them.

Q. State to the committee whether in the execution of that order in your division there was any partiality or favoritism shown to any attorney practicing before this Bureau?—A. I never saw any partiality, or can not see how there could be any partiality. The work was done by the file slips, when the case was put on the completed files, and there could not be any partiality shown. All treated alike and no partiality shown that I know of.

By the CHAIRMAN:

Q. What time did you go into the office?—A. In August, 1882.

Q. There is some little misunderstanding whether there was any change made in the adjudicating division at the time order 149 was issued. Do you remember anything about that?—A. No, sir; I don't believe I do.

Q. You don't know anything about that?—A. No, sir.

M. B. BAILEY—Recalled.

By Judge PAYSON:

Q. First, as to the order of completed files, Mr. Bailey; what position did you occupy when that order was being enforced in December, 1889, and January, 1890?—A. The same as I have now.

Q. You may state, first, whether in the execution of that order you know, or have any reason to believe, there was any favoritism or partiality extended to any attorney practicing before that Bureau at that time?—A. There was not.

Q. From your knowledge of the practice of the Bureau and experience in it, state whether it was possible for that to have been done without the chief of division being informed about it?—A. I don't think it could.

Q. When did you first commence practical operations under order 151?—A. The old statement I prepared in the previous investigation will show; I think February 3, 1890.

Q. Now what was being done in the interim with reference to that, and if you have any blanks that illustrate it you may produce that and have it in the evidence?—A. I want to call attention here on page 1127 of this printed testimony, and I will read it:

Q. What sort of a blank was necessary to use in placing the cases on the completed files? Was it necessary to have a blank for the applicant or attorney to use in placing a case on the completed files?—A. It was not necessary in the beginning, but the difference in the applications and the different forms in use finally led to the requiring of them to use a certain form for the same application.

The CHAIRMAN. (Interrupting.) That is in your previous testimony?

A. Yes, sir.

WITNESS. (Continuing.)

For instance, a widow's application to place a case on the completed files had to be a particular form. We would prepare the forms and send them out.

By Judge PAYSON:

Q. Do you wish to change that?—A. No, sir; I do not wish to change it at all. I wish to say the question asked here by Mr. Enloe, I think it was: "Was it necessary to have a blank for the applicant or attorney to use to place his case on the completed files?" It was not at that time, though in the interim between January 6 and February 3 we were preparing and had printed finally a large number of circulars which

we sent out in the law division, and by which we were enabled afterward to tell every attorney who sent his case in. I think we had thirty or fifty thousand of them struck off. There is a sample of one of them. [Witness produces paper.] I have not been able to get a copy of the other one in which we notified them that it was complete. This slip told them, as you will see by it, just what the situation was. Then we had other blanks stating their allegations did not comply formally, and it was returned because it was informal.

Q. How soon after order 151 became known did you commence the issuing of these circulars?—A. As soon as we could get them back. I understand the requisition was received at the stationery division January 22, and we then commenced to arrange this immense number of certifications we had on file there and that took sometime, and that is the reason we did not get to sending these slips until February 3.

Q. In making up the statement which you made and which you furnished to the committee last year, and which is in evidence this year as to the number of cases that went on the completed files, how did you get your information from which that table was prepared?—A. We had so much of this work to do, I had quite a number of clerks at work on this. And the man who had general supervision of the work would take out all the slips of one attorney, say Lemon, and give them all to one clerk, and send out these notices that the application was formal or informal, and those clerks were required to keep a daily report of what they did and the attorney whose slips they handled and whose application they passed upon. At the end of the week the man who had this work in charge would make up a weekly report.

Q. All these applications under order 151, under the practice in the office, came to your division from the mailing division?—A. Yes, sir.

By the CHAIRMAN:

Q. Do I understand that from January 6 to February 3, or until the date that you got this blank back to the office, about the 27th of January, that there was no record kept of the attorneys' certificates of completed files?—A. They were held in the law division. In the meantime, after the issuance of that order and when the public and the attorneys heard of it and began to send in their slips, they came in, some in one form and some in another, and all forms and colors. We had an immense amount of them there.

Q. Then your record, commencing on the 3d of February and until the 6th of August, includes all the cases put on the completed files upon attorneys' slips?—A. Yes, sir; we have that record. There were more than those ten thousand attorneys here. We presented that record because somebody asked for it. I think at the date of that order there were over a hundred thousand on the completed files, and I included in this number the record of those ten attorneys.

Q. Have you any way now of informing the committee of the exact number of cases put upon the completed files after the date of January 6 and up to the time of this statement of cases?

Judge PAYSON. Including all attorneys?

The CHAIRMAN. Yes, sir.

The WITNESS. You mean down to August, at the time that statement was made?

The CHAIRMAN. Yes, sir.

A. It shows for itself.

By the CHAIRMAN:

Q. You misapprehend me, I think. Your statement commences on the 3d of February?—A. Yes, sir.

Q. What I want to get at is as to the attorneys who sent in certificates under order 151 between January 6 and February 3?—A. That includes it.

Q. That is included there?—A. Yes, sir; I say although that count begins on February 3, it includes every letter received.

Q. You mean, then, up to August 6, 1890, that the names of all attorneys are included in that?—A. No, sir; I say that was taken as showing the work of ten principal attorneys, including Lemon.

Q. Have you any means of informing this committee as to whom the attorneys were and their certificates from January 6 to August 6?—A. We have not, for the reason that there would be thousands of attorneys. I did not undertake to produce it at that time because we didnot think it was necessary. It would mean thousands and thousands of attorneys.

By Judge PAYSON:

Q. But the aggregate of 115,564 includes the cases of all attorneys?—A. Yes, sir, or claimants.

By Mr. DUNGAN:

Q. Called up on the slip method?—A. No, sir, but by certification.

Q. I understood you to say that that did not include the cases put on the completed files before that?—A. No, sir.

By the CHAIRMAN:

Q. That is no part of the 35,240 cases?—A. No, sir, it is not.

Q. This 115,000 and odd cases is no part of these 35,240 cases that went to the completed files under order 149?—A. I am not sure of that, for this reason, that it includes cases as shown by the report of June 13, 1890, and I don't know about that for certain.

Q. I understood you to say at one time that there was no record of those cases?—A. No, there is not, so far as the law division is concerned; no record of attorneys.

Judge PAYSON. Is there anything else you wish to state, Mr. Bailey?

The WITNESS. I wish to correct the testimony of Maj. Barker and Mr. Chandler; on page 453 is Mr. Barker's testimony. Mr. Enloe asked him this question:

Q. Did Mr. Bailey talk to you in regard to the $72 which came into the law division and about which there was an investigation; there was some charges made and some reports circulated by some one that Green B. Raum, jr., had it or something of that kind?—A. Mr. Bailey, chief of the law division, said to me one day that he had just come from Secretary Chandler's office and that he was going to see Gen. Raum, and he was going to tell him something against Green B. Raum, jr., that was terribly detrimental to him (Green B. Raum, jr.).

The CHAIRMAN. Do you wish to deny that?

A. I wish to say that is incorrect, and I want to state the reason why. Mr. Chandler sent for me after this occurred and the newspapers had got hold of it. I didn't have any conversation with him, as his testimony will show in this record, before that time. Gen. Raum was West, and of course was out of the city, so it was impossible for me to tell Mr. Barker that I had just returned from Mr. Chandler and was going to Gen. Raum, because Gen. Raum was out of the city.

By Mr. LIND:

Q. Is it untrue in that, the statement?—A. Yes, sir.

By Judge PAYSON:

Q. Did you tell that to Barker. That will be the shortest way to settle it.—A. No, sir; I did not.

Judge PAYSON. We have gotten along so rapidly this morning that this is all the testimony I wish to introduce by witnesses at this time; but there is the testimony given by Gen. Bussey during the last investigation, beginning on page 199 of the printed record of that investigation and continuing to page 212, which I wish introduced in evidence here. I will mark with a pen on the margin such parts of it as are to go in, and will strike out with a pen such parts of it as are not material and I do no wish to go in, which is as follows:

STATEMENT OF GEN. CYRUS BUSSEY, ASSISTANT SECRETARY OF THE INTERIOR.

The CHAIRMAN. Have you been sworn?

Secretary BUSSEY. No, sir; but I am a sworn officer of the Government, and I presume that is sufficient.

Commissioner RAUM. I have called Gen. Bussey to get his statement in regard to the orders that created the completed files system, and I would be glad if he will state what he recollects about that matter.

Secretary BUSSEY. When Gen. Raum came into office I had frequent interviews with him in regard to the management of the Pension Office, with a view to adopting such regulations as would facilitate the most rapid disposition of the large amount of business pending before that Bureau, and, as is known, there was a great number of cases that were complete, and which the applicants knew to be substantially complete, that were scattered through the files, many of them having been neglected for months and years, and it seemed to me desirable that there should be some place that these completed cases could be placed for examination, and, if found to be complete, could be sent to the adjudicating divisions, and if not complete, such evidence called for as would complete them; and after two or three interviews with the Commissioner upon the subject, he decided to issue such an order, which I approved at the time before it was issued, believing that it was the best method of disposing of the business before that Bureau.

Mr. SAWYER. That included the two orders?

Secretary BUSSEY. Yes, sir.

The CHAIRMAN. Orders 149 and 151?

Secretary BUSSEY. Yes, sir. I had conversations with the Commissioner about that time almost every day.

Commissioner RAUM. Give something of the workings of the Bureau at that time?

Secretary BUSSEY. I believe it was a great benefit to the office and to pension claimants. I have not learned of any injustice to anybody or any favoritism to anybody. The manner in which the business is transacted in the Pension Office, it seems to me, makes it almost impossible for any one person to be favored over another without a great number of appointees coming in possession of the facts, who would only be too glad to make them known.

Commissioner RAUM. They would have to be parties to it?

Secretary BUSSEY. Yes, sir; and at the same time they would seek to bring somebody into trouble in consequence of it.

Gen. RAUM. I have in my hand a statement as to the state of the office and the condition of the certificates at the time—that is, comparing the fiscal year up to the day I took charge and the preceding fiscal year for the same period, and then the fiscal year from the date I took charge.

Secretary BUSSEY. I have not the exact amounts, but I know as to the amount of business done after you went into the office. I recognize these figures (after examining a card handed to him by Gen. Raum).

Gen. RAUM. The number of certificates issued up to the 19th of October, 1888, were what?

Secretary BUSSEY. They were 46,904; and to October, 1889, they were 30,240, which is 16,664 less than the year before. From October 20, 1888, to June 30, 1889, they were 98,380; and from October 20, 1889, to June 30, 1890, they were 121,766—a gain of 23,386.

Gen. RAUM. Do you recognize that as the period?

Secretary BUSSEY. Yes, sir; that is the time.

Commissioner RAUM. I will be glad if you would state to the committee your opinion as to the effect of this and other administrative orders upon the work in the office.

Secretary BUSSEY. I have been very much pleased with Gen. Raum's administration of the Pension Office. I have never discussed the Pension Office affairs with him that he has not evinced an earnest desire to do anything and everything to facili-

tate the work of the office. He always accepted suggestions, and carried them out wherever they have seemed to offer an improvement, and I have been very much pleased with what I regarded as the improved discipline of the Pension Office under his administration. I consider it a very great improvement, and I believe the Pension Office stands to-day in the front rank. It is well understood, however, that wherever there is a large body of employés that there will be things transpire that we would not all approve of, and as fast as they have been brought to our notice we have tried to correct them. We have done that by removing some people and by appointing other people who were better qualified, and the whole aim and desire has been to facilitate the public business and to have it transacted, and to clean up the files and do justice to everybody who has a meritorious claim. If Gen. Raum has not performed his whole duty in that respect, it has not come to my notice. There has not come to me one single charge that I regarded worthy of notice. There has been no good complaint against his administration in any shape or form, and when there have come any complaints whatever I have brought them to his notice and he has corrected them.

By Mr. LEWIS:

Q. What has been the effect of this order 151 as between claims represented by attorneys and claims not represented by attorneys?

Secretary BUSSEY. I do not see that there is any difference. The man who does not have an attorney is a persistent letter-writer. He will write to his Member of Congress and to me, and each day I get an immense amount of such mail. These persons are scattered all over the United States. This order was published broadcast all over the United States and notice was inserted in the newspapers, and every man who had a pension case was informed in regard to the working of the office. It would be a remarkable case where a claimant, who had a case complete, would not make it known and thus have it placed on the completed files.

Mr. LEWIS. How long a period was required to give general circulation to that order?

Secretary BUSSEY. It probably took two or three months.

Mr. LEWIS. What was the effect of that order after the first three months?

Secretary BUSSEY. My want of immediate connection with that office does not enable me to answer that question.

Mr. LEWIS. Was the effect of the order for the first three months after its issuance in favor of the local attorneys in Washington over and above the attorneys in other parts of the country or against claimants who had no attorneys?

Secretary BUSSEY. No; it would enable claimants to get in possession of the facts as soon as the order was issued.

The CHAIRMAN. Do you mean claimants or attorneys?

Secretary BUSSEY. I mean attorneys. Most of the attorneys have arrangements to get the orders or be put in possession of them at once, and all the important orders are published.

Commissioner RAUM. It was given broadcast circulation through the Associated Press, was it not?

Secretary BUSSEY. It was.

Mr. LEWIS. Was not an unusual amount of claims filed after the issuance of that order by the Washington attorneys?

Secretary BUSSEY. The attorneys all over the country sent in lists of cases to be put on the completed files.

Mr. LEWIS. Did not the Washington attorneys file the first claims?

Secretary BUSSEY. Probably they did. They were on the ground.

Commissioner RAUM. The first selection was 35,340 cases.

Secretary BUSSEY. Yes, sir; and that embraced cases of attorneys all over the country.

Mr. LEWIS. How is the amount of time divided as between the claimants who have no attorneys and those who have attorneys, as to the work of the office each week?

Secretary BUSSEY. That I could not tell you.

Mr. LEWIS. Do you know how many days are devoted to the completed file list, and how many days are devoted to the claims of those who have no attorneys?

Secretary BUSSEY. I do not know. I should think 90 per cent of all the claimants are represented by attorneys. I would not be surprised if it was 95 per cent.

The CHAIRMAN. What class of claims are not represented by attorneys?

Secretary BUSSEY. The most intelligent in the country who feel they are qualified to represent their own cases. A man of great intelligence will take control of his own case. It is not the common ordinary farmer or laborer, but men of affairs who feel that they are qualified to manage their own cases.

Mr. LEWIS. I want to ask you about furnishing the status of cases to attorneys when they file slips. Do you furnish them a statement that the cases are complete or incomplete in so far as the Pension Bureau is concerned? I mean this: When you

furnish an attorney the status of a case at his request, do you always see to it that the Pension Bureau has obtained all the information that is necessary for the Pension Bureau to obtain, and where you think there is additional information that the lawyer can obtain to make a complete case ready to go on the completed files?

Secretary BUSSEY. No, sir; as a rule the attorney is notified of any deficiency in the testimony that he can furnish. If the testimony is such as can be furnished by the office or the War Department, that is supplied as quickly as the report is received, and the case is complete.

Mr. LEWIS. Is that done before you send it to the attorney or afterwards?

Secretary BUSSEY. If he calls up a case and it is complete, except the report of the Adjutant-General's Office, then it is put in the completed files; but if the case lacks the testimony of some material witness, he is notified of that and the case is put back to await the testimony called for.

Mr. LEWIS. As a matter of fact, fifteen cases filed by Mr. Lemon were found to be incomplete; but only two of them were incomplete in so far as any information that we ought to furnish is concerned. That leaves thirteen cases incomplete so far as regards the information which the Bureau ought to have obtained. How do you account for thirteen cases out of these fifteen being incomplete?

Secretary BUSSEY. That occurred from the fact that there was in the neighborhood of 500,000 cases filed in the office, and that these cases had been called up, and the testimony looked into, and it was found that they were deficient and, under the practice which prevailed in the office, might not have been reached for several months.

Mr. LEWIS. Is it not the business of the office to furnish the attorney the status of cases which the Department knows are incomplete, but which he can put on the completed list as being complete?

Secretary BUSSEY. Those cases are not placed in the completed files until after they are completed.

Mr. LEWIS. They are placed on the completed files after an examination, and, when found to be incomplete, they are taken off?

Secretary BUSSEY. The attorney presents slips stating that they are completed; but they are not placed on the completed files until all the testimony is supplied.

Mr. LEWIS. Until the Pension Bureau gets all the information from the War Department?

Secretary BUSSEY. No, sir.

Mr. LEWIS. Our understanding has been that when an attorney certifies on honor that these cases are complete, they are carried to the completed files.

Secretary BUSSEY. They are taken to the completed files and examined; but if they are not found to be complete, then they are laid aside and the attorney notified.

Mr. LEWIS. That is the point I am making.

Secretary BUSSEY. They are not considered as complete and ready for adjudication. The completed file cases are ready to be sent to the adjudicating divisions and passed upon, and if, on examination, any of these cases are not complete, they are laid aside until the deficient testimony is supplied.

Mr. LEWIS. When you look at a case do you not know prima facie whether or not it needs any more information from the War Department?

Secretary BUSSEY. That can only be told upon examination by some competent person.

Mr. LEWIS. Ought not that to be done before you let the attorney have it?

Secretary BUSSEY. The attorneys do not go to the office and examine these cases. They do not know what the office has supplied. If the attorney has furnished all the evidence which he regards as necessary to prove his claim, he has done everything that is necessary. There is a certain amount of evidence required which the office must supply, such as the status of the soldier. The attorney notifies the office that a case is complete. Then the papers are drawn, and if something is found to be deficient, the attorney must supply that testimony as called for. A slip is prepared stating what is required to make the case complete, and that is sent to them, and when it is received it is applied to the case, and the case is sent to the adjudicating division.

Mr. LEWIS. Would not it be a better business transaction for the Department to know that a case is complete in so far as the Department is concerned, before they submit it to the attorney? Ought not the Pension Office to know that all the information has been supplied which it is the business of the office to supply before the office certifies to the status of the case?

Secretary BUSSEY. There might be some cases facilitated in that way; but it is very difficult to have a rule which will always apply.

Mr. LEWIS. I understand, as a matter of fact, that in two of the divisions about 80 per cent of the claims filed were found to be incomplete; but in nearly every instance the information ought to have been supplied by the Bureau instead of the attorney who presented the claim?

Secretary BUSSEY. Yes, sir.

Mr. LEWIS. Does not that show a degree of neglect on the part of the Pension Office to supply that information?

Secretary BUSSEY. That is in consequence of the great amount of business. The office has had sometimes to handle this large accumulation of cases.

Mr. LEWIS. It gives the attorney an opportunity to file the cases that are certified to be complete when as a matter of fact they are not, and sets the Department to work on his cases, and takes time to the exclusion of other cases?

Secretary BUSSEY. The Department would soon ascertain whether the attorney was acting fairly and honestly.

Mr. LEWIS. That is, as far as he is concerned, and not so far as the Pension Office is concerned.

Secretary BUSSEY. If his case is complete he has a perfect right to call the attention of the office to the fact that he has submitted evidence that the case is complete, and then the office takes this case up as complete just as quick as it can be reached in its order.

Mr. LEWIS. It gives him an opportunity of filing cases as complete, when as a matter of fact they are not.

Secretary BUSSEY. I think he has a right to notify the office that he has furnished the evidence.

Mr. LEWIS. Under that practice the attorney could take up cases and flood the office.

Secretary BUSSEY. No, sir; he could do nothing of the kind. The Pension Bureau is in possession of the fact that this case is complete, so far as the office is concerned. When they are complete they go into the completed files. When they are not the office notifies the attorney and he furnishes the proper evidence. The management of the office would put these cases among the completed files whenever the office can supply the testimony.

Mr. LEWIS. Do you not think the office ought to complete them before it furnishes the status to the attorney?

Secretary BUSSEY. They ought to be completed in their order.

Mr. LEWIS. There are more uncompleted than completed cases on the completed files, as I understand it.

Secretary BUSSEY. That I am not prepared to say, because I have been absent and have not examined into it.

Commissioner RAUM. Are there not two classes of cases for which calls are made on the War Department? The first relates to the service of the soldier and his hospital record, and the second relates to collateral matter, such as witnesses' statements.

Secretary BUSSEY. Many witnesses are called upon to testify as to whether they were present where they say they were.

Commissioner RAUM. Let me ask if it has not been the practice of the Pension Office as soon as a claimant files his declaration to call upon the War Department for the official statement of the record of that soldier and for his hospital record.

Secretary BUSSEY. That is usually the first thing done.

Mr. LEWIS. I want to know why it is there is such a small percentage of cases on those files that are found to be complete.

Commissioner RAUM. If they are found incomplete a call is made for additional evidence.

Secretary BUSSEY. Yes, sir.

Commissioner RAUM. There may be some fact which is wanted by the Pension Office that will need verification, such as the statement of witnesses, or something of that kind, from the records of the War Department.

Secretary BUSSEY. It is utterly impossible that these cases could have examination without awaiting some evidence called for, because when an adjudicating division gets hold of a case it may need the testimony of some witness, and it may have discovered that there were two or three men testifying, and it needed additional testimony from them. In that case the claim is laid aside and a call is made upon the War Department to verify the location of these witnesses at the time they testified that they were present. Of course the examination that puts these cases in the completed files is a cursory examination compared to the adjudication of the claim; and further testimony may be required before it can be finally disposed of.

Mr. LEWIS. I can understand how the case would be incomplete when the examination of it developed some imperfection in the testimony, or something of that sort. That is a thing I can understand fully. Is it not a fact that a great many of these cases are certified by lawyers when the enlistment in the service, the disability, and the hospital record have not been obtained?

Secretary BUSSEY. That will be true but in few cases. I think an examination will show, as General Raum says, that the first thing is to get the record of the War Department, which is done as soon as the application is filed. The War Department gives the status of the case. It is then in such shape that the office can go on and investigate it in a short time.

Commissioner RAUM. If a man should file a claim in the Pension Office for a lost arm above the elbow, the first thing to be gotten would be the record of the soldier. If the hospital record showed that he was wounded, for instance, at Atlanta, on the 22d of July, and that the arm was amputated above the elbow, it would not be necessary to introduce any testimony to show that; but if he had no hospital record, then, as a matter of course, he would have to prove it. He is not called upon for that until after the office gets his hospital record.

Mr. COOPER. When did Gen. Raum first speak to you concerning the establishment of this new system?

Secretary BUSSEY. I think two or three weeks prior to the time when he issued the notice.

Mr. COOPER. Did he tell you that he had ever submitted it to his subordinates or to anyone in the office?

Secretary BUSSEY. No, sir.

Mr. COOPER. Have you seen the letter written by Commissioner Lincoln at his request?

Secretary BUSSEY. I have.

Mr. COOPER. Did you see the letter written by Mr. Bryant?

Secretary BUSSEY. No, sir.

Mr. COOPER. Gen. Raum did not tell you that he had discussed the matter with the subordinates, and that they decided against him, and he had approved their decision?

Secretary BUSSEY. No, sir.

Commissioner RAUM. Gen. Raum never did any such thing.

Mr. SAWYER. Where does that fact appear?

Mr. COOPER. I am not going to stop to argue that here.

Mr. SAWYER. Well, I am going to stop to argue it. The approval of Mr. Lincoln's letter is not necessarily for or against the order.

Mr. COOPER. That is a question of opinion.

Mr. SAWYER. That is clearly the case.

Mr. COOPER. The letter of Mr. Lincoln will speak for itself, and I will not be restricted in my right to ask the question.

Mr. SAWYER. You assume in regard to it. There is some dispute, to say the least of it.

Mr. COOPER. He did not tell you of the investigation of the matter in the office?

Mr. BUSSEY. I do not remember that in a conversation he said anything of that kind. He said he had been discussing the propriety of issuing such an order as he did issue, but he did not tell me about it or call my attention to it in a letter.

Mr. COOPER. He did not suggest that system himself?

Mr. BUSSEY. He suggested the system, and I thought it was a very good thing.

Mr. COOPER. Did you make any inquiry from the employés as to how it would probably work?

Secretary BUSSEY. No, sir.

Mr. COOPER. Have you made investigation since to learn the percentage of cases that were placed upon the completed files upon the request of attorneys where they were really incomplete?

Secretary BUSSEY. No, sir. When this letter of Col. Lincoln's came out I called upon him and he told me he saw objections to the completed-files system as presented by Mr. Lemon; but, as they were finally perfected, he thought it was a splendid arrangement. I wanted to find out how the completed files were working, and I went to Mr. Lincoln, supposing, if it was not working right, he would point out any defect in the system.

Mr. COOPER. You saw his letter, and from that you drew the inference?

Secretary BUSSEY. I saw him and talked to him upon the subject, and he told me that, as it was presented by Lemon, he saw objections to it; but as finally perfected he believed it was satisfactory and the best policy which could be adopted.

Mr. COOPER. What was the difference between the plan presented by Mr. Lemon and the plan adopted?

Secretary BUSSEY. I could not tell you what Mr. Lemon recommended. (After reading the Lemon letter.) I do not regard this as at all important in this case. It is well understood that in a great bureau, such as the Pension Bureau or the Interior Department, that men have to be progressive. It would be utterly impossible for a man to stand upon an opinion or an idea that he might have to-day. He must change his mind occasionally.

Mr. COOPER. What we were trying to find out is whether Gen. Raum, by reason of his desire to be progressive, changed his mind, or whether it was for a pecuniary consideration.

Secretary BUSSEY. That is a matter that I have nothing to do with. All I know is that at the time he discussed that question with me he convinced me that it was the proper thing.

Mr. COOPER. I would like to have you answer my question. What was the difference as between the order adopted and as it was suggested by Mr. Lemon?

Secretary BUSSEY. I do not know that there is any difference, except in the practice. There is a good deal of difference in the practice.

Mr. COOPER. What is the practice?

Secretary BUSSEY. If he sent up those cases and they were noncomplete the rule would prevent any advantage being given him.

Mr. COOPER. What has been the opinion of the office?

Secretary BUSSEY. The only thing Lemon had in mind was the completed files. That system was adopted. That is the method in practice now.

Mr. COOPER. If it turned out in practice that 60 to 80 per cent of the cases placed upon the completed files at the request of attorneys are incomplete, then would you not say that that is an unfair practice?

Secretary BUSSEY. I do not believe it is true, so far as the attorneys are concerned.

Mr. COOPER. You said that you did not examine that question.

Secretary BUSSEY. I said I did not believe it. I spend seven or eight hours a day looking over pension cases; and I have found in the examination of these cases that the universal practice is to call upon the War Department for evidence as soon as the application is filed in the Pension Bureau; and until that evidence is supplied the case is held up until the call is made upon the War Department. I believe 80 per cent is not incomplete. If an attorney has informed the office that a case is complete, it devolves upon the office to supply the deficiency in the testimony, and he has the right to have the case examined.

Mr. COOPER. At the time when Gen. Raum suggested this to you it was probably in the middle of December, was it not?

Secretary BUSSEY. I could not tell you exactly. It was some weeks before the order was issued. It was about the 1st of December.

Mr. COOPER. Did you at first agree with him?

Secretary BUSSEY. I did at once. It struck me as a very good thing to do it. I was very much dissatisfied with the way they were doing, and what I wanted was to try some other plan.

Mr. COOPER. Did you not know that it had been tried under Commissioner Tanner?

Secretary BUSSEY. No, sir.

Mr. COOPER. Didn't Mr. Tanner allow Mr. Lemon to have many of his cases put on the completed files?

Secretary BUSSEY. There was no completed-files system under Commissioner Tanner. There was a system of favoritism carried out in the office which was very unsatisfactory to the Department and unsatisfactory to many of the claimants.

Mr. COOPER. Did he not stop that?

Secretary BUSSEY. I do not know to what extent it was carried on. I had no time to investigate the question. The clerks in the Pension Office were responsible for what was done. What I wanted was to see the office systematized. If you can not stop a revolution, the best way is to control it.

Mr. COOPER. You say you never saw the letter of Mr. Bryant?

Secretary BUSSEY. No, sir; I never did.

Mr. COOPER. I believe you said that you never talked with any of the subordinates or employés in the office on this subject, but only with Gen. Raum?

Secretary BUSSEY. Only with Gen. Raum. My duties are such that I did not propose to assume the functions of Commissioner of Pensions, and I had no business with the employés.

Mr. COOPER. I understood you to say that a claim, when called up out of the pending files by request of an attorney to have it put upon the completed files, received a cursory examination before it was put upon the completed files?

Secretary BUSSEY. That is the only way a case can go into the completed files.

Mr. COOPER. Did you not know that under this order, when an attorney certifies that his case is complete, if that request is in due form and according to certain requirements which the office has established, that that must go upon the completed files, whether it is completed or not?

Secretary BUSSEY. It goes to the completed files and the case is examined.

Mr. COOPER. It receives no cursory examination before it goes to the completed files?

Secretary BUSSEY. Perhaps the difference between us is as to the definition of completed files. The completed file is where a case is ready to go to the adjudicating division, after all the evidence is in. After the office recognizes it as complete, not the attorney.

Mr. COOPER. Do you know how cases are identified to go on the completed files?

Secretary BUSSEY. I have no occasion to know.

Mr. COOPER. You do not know, then, that as soon as an attorney makes a statement in due form that his case is complete, notwithstanding that it may not be com-

plete, it is strapped on the paper and sent to the completed file, and that case is put with the other cases on those files?

Secretary BUSSEY. Yes, sir.

Mr. COOPER. Notwithstanding that it may not be complete, it is then taken up in order, having been placed on the completed files; and, if not found to be complete, then the attorney or claimant is notified of its condition and is allowed to make it complete.

Secretary BUSSEY. He is notified of what testimony is required. What I call a cursory examination is what is made when it is put in those files. If, when it is sent to the completed files and examined, it is found that testimony be required, there is a slip put on stating that the testimony shall be supplied.

Mr. COOPER. Are you familiar with the practice in the courts?

Secretary BUSSEY. To some extent.

Mr. COOPER. Have you been admitted to the bar?

Secretary BUSSEY. No, sir.

Commissioner RAUM. State whether or not, before the adoption of this system of completed files, there were any considerable complaints as to delay in the adjudication of claims in the Pension Office.

Secretary BUSSEY. The Department was flooded with letters all the time from all parts of the country, saying that there was, and had been, delay, and an unnecessary delay in the adjudication of claims; but since this policy has been adopted there has been a very considerable decline in those complaints.

Commissioner RAUM. The evidence before the committee shows that the old system of drawing cases was that the file clerks drew them from the files and sent them to the adjudicating divisions and to examiners, at their discretion.

Secretary BUSSEY. Yes, sir.

Commissioner RAUM. State whether or not that was brought to your attention.

Secretary BUSSEY. Yes, sir; it was.

Commissioner RAUM. State whether you agreed with me that that ought to be remedied.

Secretary BUSSEY. I did. That was one of the reasons why I thought this rule should be adopted—that any man who had a case which he regarded as a completed case should be put on the completed files; and when it was complete it should not be allowed to lie there for months or years in the files of the office, because it did not happen to strike some clerk who was selecting cases, perhaps for some attorney; that system I did not think was quite fair.

Mr. COOPER. Would it not have been better to have adopted some system by which clerks could take up in regular order and advance cases than to trust it to attorneys in their scramble?

Secretary BUSSEY. I do not see how one attorney can have an advantage over others, if his cases are complete. I know it was bad enough to trust the clerks.

Mr. COOPER. Do you not think it was from the fact that the people finally found that their letters were not being answered, and that caused them to cease to write?

Secretary BUSSEY. I do not think so.

Mr. COOPER. You testified to the increased number of certificates. Do you know it to be a fact that General Raum called the heads of divisions of the Pension Bureau into his private office about the first of the year and suggested to them that he wanted to work up the business, if he could, to the number of a thousand certificates a day?

Secretary BUSSEY. I do not think that was brought to my notice.

Commissioner RAUM. No, sir; it was not; because it never occurred.

Mr. COOPER. What do you say in regard to it?

Commissioner RAUM. I stated that I did not do it.

Mr. COOPER. You say that you did not call the heads of divisions into the office after the first of the year and tell them that you would like to work the office up to a thousand certificates a day?

Commissioner RAUM. Ah! that is a very different state of things. I said I was very anxious to have the work of this office done as speedily as possible. (After interruptions by Mr. Cooper.) I know what I am talking about. I say I was endeavoring to inspire the office with a desire to push the work with diligence and fidelity; and I stated that I would be glad if we could work the office up to a thousand certificates a day, and I hope to do that when I get the new force. All those whom you have interrogated upon that point have distinctly told you that I gave no instructions.

Mr. COOPER (to Secretary Bussey). Do you think that the expression of a desire of that kind would not of itself go far toward increasing the number of certificates and lessening the value of the work, and to procure haste and quantity rather than quality and good work?

Secretary BUSSEY. I should judge from the character of the appeals which come before me that the business of the office is conducted on very strict principles.

Mr. COOPER. Would you regard that as a judicious recommendation to make?

Secretary BUSSEY. I do not see any fault with it, for the reason that there was force enough there to do it, and I believed, and the Commissioner believed, that the force was not doing as much work as it was capable of doing, and that the fault was with the chiefs of divisions, partly with the employés, and partly with the system. I know I called General Raum's attention to the importance of having better work done, and more work done in the office. I believed the force was there to do more work, and the result shows that that was true. I can see no difference in the character of the work, or that they have slighted their work, or that the work is less reliable.

Mr. COOPER. Do you judge from the character of the appeals?

Secretary BUSSEY. Yes, sir.

Mr. COOPER. Are they more numerous, or less frequent?

Secretary BUSSEY. There are certainly less complaints, judging from the character of the cases that are filed in the adjudicating divisions.

Mr. COOPER. Do you know how many are engaged upon that work of examinations?

Secretary BUSSEY. I do not know the number engaged in the business, but probably six hundred a day.

Mr. COOPER. Do you know what would be a fair average work for an examiner on the board of review on a case?

Secretary BUSSEY. It would be difficult to answer that question.

Mr. COOPER. Have you never asked that question?

Secretary BUSSEY. No, sir; I never have.

Mr. SAWYER. This establishment of a completed files is a new method of taking cases off the pending files for adjudication and examination, is it not?

Secretary BUSSEY. Yes, sir.

Mr. SAWYER. You thought that it was a wise and judicious method of accomplishing the work?

Secretary BUSSEY. I thought so, for this reason: One man can establish his case in two weeks' time, and another man might not be able to do it in two years. Ought the man's case that could be completed in two weeks wait until after the man's case is adjudicated that will take two years? That was the practice which prevailed in the office, to a great extent, formerly.

Mr. COOPER. Could not that be remedied in the office?

Secretary BUSSEY. It might be, if you got another system. But it is an incentive to certain clerks in the office to favor certain people. If they have a mind to be corrupt, they could do it, and nobody would discover it. The clerks would have power to run the office, and I think it is a good deal better for the Commissioner to run the office. Where a man's letter comes to me, it gets an answer. They are sent to the Pension Office, and they are put in the files, and the cases are looked into whether they have an attorney or not, and receive the same consideration. We do everything to facilitate the work honestly and fairly, and I believe the Commissioner does. We are all liable to make mistakes; but, if we do, we correct them when they are called to our notice. I have read all the testimony in this case, so far as I have seen it.

The CHAIRMAN. You spoke about the old method of doing business. Please explain what method was in existence prior to the order providing for the completed files.

Secretary BUSSEY. Under the old method there were nearly 500,000 applications before the Pension Office, and the clerks who had charge of these files drew a certain number of cases from the pending files and sent them to the adjudicating divisions. There was much complaint. There was no evidence that these cases were being drawn in the order of their being complete, or in the order of their being filed. The fact that thousands of cases were there for years was evidence that they were not being drawn as they ought to have been drawn; and cases were lying there incomplete, when very little evidence was necessary to complete them. There was no call being made, and under the circumstances that system was admitted by me, and by the Commissioner, as one which could be improved, and all there was to do was to adopt a system that would be entirely just and fair to everybody. I have not the slightest idea that the Commissioner ever had in his mind the idea of favoritism to Mr. Lemon or anybody else. So far as Mr. Lemon is concerned, he has never come to my office to ask a favor; never once!

I called his attention to some irregularities on one occasion as to the manner of doing business, and I said to him, "I have no doubt you would be very glad to have this done." He said, "No; I do not want to do anything of the kind; I do not consider it right, and I would not accept any such adjudication of my cases." Mr. Lemon has never come to me for a favor, and I do not believe he has ever gone to the Commissioner to ask that his cases be adjudicated in advance of other cases.

The CHAIRMAN. Was there any way in which a claimant could have his cases advanced before this order of completed files was established?

Secretary BUSSEY. Yes, sir.

The CHAIRMAN. In what way.

Secretary BUSSEY. By furnishing evidence that he was an object of charity.

The CHAIRMAN. Could it be done by a Congressman or attorney?

Secretary BUSSEY. I am not aware of the practice of the office with regard to calls from Congressmen.

Judge PAYSON. There is the testimony also of A. S. Taber, introduced in the last investigation, beginning on page 148 of that record and continuing to page 157, which I wish also to go in evidence; that part of it which I do not wish to go in is stricken out with lead pencil.

Testimony received in evidence as follows:

COMMITTEE ON INVALID PENSIONS,
Wednesday, September 10, 1890.

The committee met pursuant to adjournment.
Present, the chairman, Messrs. Sawyer, Flick, and Lewis.

TESTIMONY OF A. S. TABER.

A. S. TABER, sworn and examined.

By Mr. WILSON:

Q. You are now employed by Capt. Lemon?—A. Yes, sir.

Q. You are the Mr. Taber who has been mentioned in the course of this investigation?—A. Yes, sir.

Q. In a letter of Capt. Lemon of the 16th of November, 1889, which has been given in evidence here, he says: "I have the honor to inclose thirty slips, representing that number of claims in my files." And in a letter of Mr. Lincoln, which was brought out by this letter of Capt. Lemon, he makes use of this expression:

"In order to test the correctness of Mr. Lemon's conclusion that certain of his cases were complete and ready for submission to the board of review for final action, I obtained the status of thirty selected cases submitted by him and find nine to be complete, six already in the board of review, and fifteen requiring further action before ready to submit."

Have you those slips here?—A. I have a majority of them. I find from an examination of the cases the Pension Office did not return all the original slips.

Q. How many cases are absent?—A. I have twenty-four original slips and six representing the originals; they are equivalent and practically the same, except I have made a memorandum so as to identify the cases of those twenty-four originals.

Q. Now, the twenty-four originals. Take the first one and give to the committee a statement as to wherein any of these cases were incomplete. I want to ascertain now whether or not the incompleteness, if there was any, was the result of a failure on the part of the Pension Bureau or a failure on the part of your office. I want to know whether the case was complete so far as the attorney was concerned, and whether or not, if further action was necessary to be taken in order to have that case allowed, that it was required on the part of the Bureau. And I wish to know in that connection whether or not you have any means of inducing action on the part of the Bureau except by some application made directly to the Bureau in respect to the case?—A. Everyone of these cases, as I recollect, passed through my hands before they were filed, and I wrote the letter of November 16; it is in my handwriting. I examined these cases quite carefully, and they were examined before they came into my hands by experienced clerks. So far as the records of the Pension Office is concerned, of course we had no means of ascertaining.

The CHAIRMAN. State, so the committee may understand more fully in regard to that, what the records of your office are in these cases.

A. We have copies of all the evidence filed; it is in brief; it is not full, but purporting to show the evidence that is filed in a pension claim, and each case is a record in itself.

Q. So for all practical purposes you have a duplicate of the papers in the Pension Office?—A. Yes, sir; and every action taken corresponds with the jacket of the Pension Bureau.

Mr. SAWYER. Does the record of each case, as kept by you, show the letters that you received from the Pension Bureau with reference to that case, calls for evidence, etc.?

A. Yes, sir.

By Mr. LEWIS:

Q. Do the records you have in these cases show whether or not they are incomplete in so far as the information is concerned that must come from the War Department?—A. No, sir; we are never notified of that fact. Those are in the nature of confidential communications from the War Department to the Commissioner of Pensions, and we have no means of ascertaining what that is.

Q. Do you regard it as part of your business to say that a case is complete as to the information that must come from the War Department; do you certify their completeness?—A. We have no information of that; we assume the man is a soldier and honorably discharged and has sworn to the things declared. This we take along with the evidence, and unless he states he was treated in a hospital for this particular disability, in that event we take the statement and file the necessary evidence to prove his condition at discharge and continuously ever since, and by the time we have that testimony we ascertain from any call from the Pension Bureau whether there is a record of that disability set up by his claim or not. If the records of the War Department show he was treated in a hospital for the disability claimed, then the Pension Bureau would not call upon us for any evidence of origin. That fact is established by the official records of the War Department, but what the official records of the War Department show we have no means of knowing. These calls were all dated November 16.

MR. WILSON. I think it would be valuable to the committee, but you can examine for yourself if you prefer it. It will appear by taking these thirty cases that a lot of them were complete, and that those cases would have remained there in the files, although they were complete and the pensioner entitled to his money, indefinitely, no telling when they would be taken up, if they had not by this process been called up, and immediately upon the attention of the Bureau being called to these particular cases, within a day or two, these pensioners got their pensions, and I think it had a great deal of bearing upon the wisdom of this order, because it shows when somebody who knows what his duties are brings their attention to a particular case and says that case is ready for adjudication, the office takes it up; otherwise it might remain there two or three years and not be touched. I only wish to call your attention to this very thing. Now, take some said to be incomplete and give the committee the benefit of that. I want the cases which show the grounds upon which they are said to be incomplete.

A. I will take one case here, Albert Foote.

Q. What do you certify to the Department?—A. November 16, 1889:

"The special attention of the honorable Commissioner of Pensions is invited to the claim above mentioned for the following reasons, viz: Case believed to be complete and should be taken up for final action."

Now, the Pension Bureau replies as follows:

"This claim is awaiting an additional report from the War Department as to the claimant's service and hospital treatment, which was called for on the 23d ultimo; and the certificate of the claimant's examination by the board of surgeons of Bath, N. Y., the order for which was forwarded to the attorney in the claim, George E. Lemon, esq., of this city, on the above mentioned date."

This is signed, November 21, 1889, "William P. Alden, acting chief of the eastern division." This was returned to me with the original slip. That would be on the 23d of October, prior to the filing of our slip, of which we had no means of knowledge, because they did not notify us. The reason for filing that slip is, in a great many cases the claimants file their orders for examination direct and do not return them to us, so that we have no means of knowing whether they had an examination or not, but presume he had complied with the order.

Mr. SAWYER. Would you be notified by the Bureau of the fact that an examination had been had?

A. We usually get the order for examination, although sometimes it is sent directly to the claimant and we know nothing about it.

Q. Now, are you notified of the fact that an examination has been had?—A. No, sir.

The next case is the case of Thomas H. Kisner.

Mr. WILSON. What does it say there?

A. The same thing exactly.

"WASHINGTON, D. C., *November* 16, 1889.

"The special attention of the honorable Commissioner of Pensions, etc."

The chief of the middle division certifies under date of November 21, 1889—this is in reply to a request from Charles P. Lincoln, Deputy Commissioner, "status to desk waiting;" every one of these are stamped by Mr. Lincoln to his desk—

"Basis of claim is hernia of left side, which was rejected on the ground of claimant's inability to establish origin in service. The testimony supplied in that respect and just received in the case appears to be sufficient, and will be considered with that view."

The testimony received in that case, filed a month ago, was just receiving action.

Mr. SAWYER. You mean a month before that?—A. Yes, sir; just receiving, just getting action.

By Mr. LEWIS:

Q. Now, with reference to that case, was it not the duty of the attorney who filed that claim to be placed on the completed file to know whether or not that information had been already furnished; is not that his business?—A. The order for completed files was not then in existence.

The CHAIRMAN. This was long before the order was issued.

MR. LEWIS. I understand that, but they had to keep them in the same attitude, to be taken up as if they were on the completed files. He was preparing the case, and I thought it was his business to know that all the evidence had been furnished in regard to the matter.

The WITNESS. We filed in the Pension Bureau all the evidence which goes right to that case.

Mr. SAWYER. You knew that evidence was before the Bureau?

A. Yes, sir; and that is the reason we asked it to be taken up for final action.

Q. But the Bureau did not know it.—A. We called its attention to it and now it is taken up for the first time and the chief of the middle division certifies that the testimony we have filed is sufficient and the claim considered with a view to final action upon testimony which we had previously filed.

By Mr. LEWIS:

Q. If the Department had that knowledge, why did they report the case incomplete?—A. I am sure I could not tell you in regard to that, except it may be considered incomplete from not having acted upon the testimony.

Mr. LEWIS. It would seem that they had the testimony and knew what it was.

Mr. SAWYER. It may be submitted to them for two weeks or two months before the examiner will act upon it.—A. To establish that they would have to call upon the War Department for information.

By Mr. LEWIS:

Q. The incurrence of a disability in the line of service is that information furnished by the War Department?—A. It is, to the Commissioner of Pensions.

Q. That is furnished by the testimony of comrades?—A. That sometimes may be all required. The regimental returns often show casualties and often show those facts.

Q. But did not you state in this particular case the information was all furnished by the War Department?—A. We procured the affidavits of two comrades and wrote for that to members of the claimant's company, but the Pension Office can not accept that testimony until they verify the facts themselves that these witnesses were members of the claimant's company.

Q. And they verify that only through the War Department?—A. Yes, sir; and that is considered to be equivalent to a confidential matter. The next case is the case of Virginia H. Raymond. The same facts are here presented.

"This case appears to be complete. What is the cause of delay?"

Now, the Department answers, November 21, 1889:

"SIR: In response to your inquiry of recent date relating to the claim of widow's pension number 375517 of Henry M. Raymond, Company G, Fifty-eighth Regiment Illinois Infantry, you are informed that it is awaiting a report from the Adjutant-General of the United States Army relative to the service of B. Haish and W. Griffith, comrades of said soldier, called for this day, and upon receipt of which said claim will receive attention."

Now, that is evidence we filed some time anterior to this letter, and the Pension Office had not verified their service, as it might have done, when the testimony was

filed. We gave them ample time to verify that by certifying this on the ground it was complete. This slip secures the action of verification of the service of comrades, so far as we were concerned, and so far as we were concerned the case was complete. To show you the case was complete, on the back of this card is, "Claim allowed, January 15, 1890."

The next case is the case of George M. Martin. We certify: "Case believed to be complete and should be taken up for final action." The Pension Bureau received it and called on George E. Lemon for additional evidence, which was filed, and claim allowed January 28, 1890.

Mr. LEWIS. What was the additional evidence called for?

A. I did not go into the merits of the case particularly. Now, the records in each one of these cases will show that some evidence on each one of these points was furnished, but for some reason was not considered satisfactory to the Pension Bureau. This was furnished, and the claim was allowed January 20, 1890.

The CHAIRMAN. Might not it be your record will show that a case was fully completed, that the evidence had been filed in support, and show the incurrence and continuance of a certain disability, and everything of the kind, and yet this evidence would not be considered sufficient by the Pension Office?

A. Certainly. Some of the examiners are very technical and others are not so much so; and some examiners would pass a certain piece of evidence and others would insist upon further testimony. In a case of that kind, if the technicality is not too great, we generally comply with the requirements of the office.

Mr. LEWIS. You can not testify as to the character of evidence lacking in that case?

A. No, sir; but I can ascertain it if you will give me time, and I can report the facts to-morrow.

The next case is the case of Samuel G. Rigby. We certify as follows: "Evidence, believed to be complete, was filed October 7, 1889. Please give the case early attention." The reply from William P. Alden, acting chief eastern division, five days subsequent to the filing of the slip, is:

"This claim awaits the certificate of the board of surgeons at Bath, N. Y., before which the claimant was directed to appear for examination in an order forwarded to George E. Lemon, Washington, D. C., under date of November 20, 1889. It also awaits the report of the Adjutant-General United States Army as to whether David Kelley was present with the command during the time covered by his testimony—called for November 9, 1889—and replies to letters of inquiry addressed by this Bureau to persons supposed to have personal knowledge of facts touching the merits of the case."

This was called for November 19, three days after the slip was filed. That case was complete and laid dormant in the files until the slip called it up, and the case is now on the complete file.

Mr. LEWIS. That is complete, lacking the certificate of the examining physician.

A. But it laid dormant and never came up.

The next case is the case of Harriet Lebounty. We certify as follows: "Attention is invited to my communication dated May 21, 1889. The case appears to be complete." On November 22, 1889, additional evidence was called for, furnished, and claim allowed March 4, 1890. This is another instance where we have filed evidence, apparently all complete, but for some reason the Pension Office wanted a little more, and it was furnished, and the claim was allowed.

The next case is the case of Edward Shafer. We certify: "Case believed to be complete and should be taken up for final action." The examiner stated, November 21, 1889:

"A letter was written November 19, 1889, to the attorney (Mr. Lemon) calling for proof of origin of disease of heart in service and continuance, for rheumatism and heart disease since discharged."

Within three days after the receipt of the letter we secured that action. "December 30, 1889, evidence received in answer to call as above and filed." I remember this case. It was a case where evidence as to rheumatism was filed, and rheumatism and heart disease are so closely connected that heart disease is a commonly accepted sequence to rheumatism, and many cases filed claiming rheumatism also carry with it a claim for heart disease.

By Mr. LEWIS:

Q. But the character of testimony lacking to that case ought to have been furnished by the attorney and not by the War Department?—A. Oh, certainly; it should have been filed by the attorney.

Q. When you looked over that case did not you know that that evidence was incomplete?—A. Not necessarily, because we had filed evidence of rheumatism and we supposed it to carry heart disease. Ordinarily the Pension Office will accept testimony of rheumatism as carrying heart disease. Heart disease will not result in rheumatism, but rheumatism will result in heart disease, and it is for the Pension

Office to finally determine in a case of that kind whether that is sufficient evidence of heart disease or not.

Q. But where the application recites it is for heart disease and rheumatism, is it not incumbent upon the attorney to establish heart disease?—A. Not necessarily; testimony in a general way would be sufficient. If you establish rheumatism, that carries with it heart disease.

Q. You knew when you certified that that was a completed claim; that the evidence which was received established heart disease?—A. No, sir; I will not say that. I say we had furnished evidence as to rheumatism, and presumed that would be satisfactory as establishing heart disease.

Q. Is that a fair presumption?—A. Yes, sir; very fair.

Mr. LEWIS. Suppose the application asserts its claim for heart disease.

A. I do not know whether that allegation was filed or not. We expect them to do that in every case where rheumatism is claimed, but only testimony of a general nature is necessary to establish the claim of heart disease where rheumatism is stated.

Mr. LEWIS. Is it the testimony of experienced surgeons that heart disease is most frequently the result of rheumatism?

A. Yes, sir; I think you will find that to be the fact.

The next case is that of David Parkhurst. We certified: "Claim believed to be complete and should be taken up for final action." The examiner states:

"SIR: In the above-cited claim you are advised that it has this day been referred to the medical referee to have claimant ordered for medical examination, as there is no board of surgeons within a reasonable distance of his residence and claimant has not been examined since 1883."

There is a case where the Bureau of Pensions admits that the claimant had not been examined since 1883, and our slips secured an examination by filing the slip, and the examination was had and the claim was allowed May 28, 1890. It used to be the custom to examine these claimants at least once a year to keep track of their condition.

Mr. LEWIS. I can readily see the filing of the slips may secure an examination, but the question at issue is whether or not you filed this claim as complete when you had good reason to know it was incomplete and there was a case where there was no examination since 1883, but still you filed this case as complete.

A. We have no means of knowing that.

Q. Do you not get a record of it from the office?—A. No. The Pension Office does not notify us when the claimant was last examined. The claim is believed to be complete from the evidence furnished. We presume that the Pension Office has done its duty in calling upon the Adjutant-General to ascertain and obtain the transcript of the claimant's military record. We presume that the Pension Office has performed its duty in calling upon the Surgeon-General for the record showing whether the claimant was treated in a hospital for the alleged disability. We presume the Pension Office has ordered the claimant to an examination as often as necessary. We presume the Pension Office has verified the service in the Army of the witnesses testifying in the case. We presume they have written to the postmaster to ascertain whether the witnesses are creditable citizens or not. We presume that they have certainly received replies as to whether their testimony was given with an actual knowledge of the facts. We believe all our testimony to be complete, because we presume the Pension Office has performed its duty, and when this slip goes in the claim should be complete from our standpoint, because we filed all the evidence required.

Mr. LEWIS. I may be a little obtuse, but I can not understand how any attorney can know when a claim is complete under that state of facts. He can not tell it from the evidence that it is his duty to furnish; he does not undertake to establish incurrence of disability in the line of duty.

A. Yes, sir; we file the evidence, as to the origin, of the two comrades, of when and where the disability originated.

Q. Do you not know what the surgeons' certificates are in the matter when you file your claim?—A. No, sir; not unless we go to the Pension Bureau and call for the papers in the case and ask to see them.

Q. Do not you do it before you file the claim?—A. No, sir.

Q. You do not?—A. No, sir; if we did that the business of the Pension Office would be suspended temporarily.

By Mr. FLICK:

Q. The examination of the surgeons made upon these papers is submitted to the medical board?—A. Yes, sir.

Q. That is about the last thing that is done before allowing the claim, or a rejection?—A. These reports of the examining surgeons are confidential. They are not even allowed to tell the claimant what finding they arrive at. They can say to him

that they find rheumatism and that he is entitled to a pension, but they are instructed not to communicate the result of their rating to the claimant.

The next case is that of Harman Barnhart. We certified, "Case believed to be complete and should be taken up for final action." In a communication signed "William G. Alden, acting chief of the eastern division," of November 21, "Respectfully returned to the honorable Second Deputy Commissioner. This claim is for deafness and the witnesses who testify to continuance are all lay, and correspondence with a portion of the witnesses is deemed advisable. Letters of inquiry as to their means of knowledge have been addressed to them this day." Now, we had no means of knowing but what the Pension Office had taken proper action in that case days, weeks, and months before, but it was not until five days after we filed this slip that the Pension Office took the evidence we filed and tried to ascertain whether the testimony of the witnesses was given from a knowledge of the facts or not.

The next case is that of Hiram S. Winn. We certified as follows: "This claim is believed to be complete. Early action is requested." "The above described pension claim awaits replies to letters addressed by this Bureau the 18th instant to persons supposed to possess personal knowledge regarding its merits," signed Henry A. Phillips, chief middle division, November 21, 1889. That is two days after the filing of our slip. That is one of the incomplete cases.

The next case is that of Edwin C. Reynolds. We certified as follows: "Claim believed to be complete and it should receive final action." The examiner states, "Claim awaits report of medical board at New Bedford, Mass. Examination was ordered October 17, 1889"—that order was not sent to us; presumably it was sent direct to the claimant—"it also waits the reply of Capt. W. H. H. Bingham to a letter of inquiry sent him on the above-named date." This is dated "Eastern division, November 21, 1889." We had filed all the evidence, so far as we knew.

The next case is that of John D. Smith. We certified as follows: "Claim believed to be completed and should be taken up for final action." F. H. Allen, chief of southern division, states:

"Respectfully returned to Hon. Charles P. Lincoln, Deputy Commissioner, with information that the Adjutant-General U. S. Army has this day been called upon for a report as to the presence or absence of John Higg and George L. Jones, affiants in the case, and when said report shall have been received immediate action will be taken."

That is another instance where the slip secured a verification of evidence of two comrades that had been filed some time prior to that time, and they had ample time to verify the service, and could have done so. The claim was allowed May 19, 1890.

The next case is that of Reuben Cook. We certified as follows: "Case believed to be complete. Final action requested." December 27 the Pension Office called for one more comrade as to disability of eyes. That communication was returned to the Pension Office, inviting its attention to evidence of two comrades on file. The Pension Bureau had overlooked the fact that we had complied with the request of the 29th of March, and that the request for reference to completed files was justified.

The next case is that of W. H. Sturmen. This was referred for a special examination. It was a prima facie case, but the Pension Office was not satisfied and it was sent out into the field for a special examination.

The next case is that of William Pierce, jr. It was placed upon the completed files April 4, 1890. We had filed the evidence of two comrades April 26, 1890, and we filed claimant's affidavit stating he could not find a commissioned officer and calling attention to the testimony already on file. It is now on the completed files awaiting final action.

The next one is John McKeegan. Although we filed evidence, for some reason it was deemed not satisfactory, and further evidence was called for on January 23, 1890, and not yet furnished.

By Mr. LEWIS:

Q. Before you take up a case do you or not send to the Pension Office to find out the status of that case?—A. Take it up for what?

Q. Before you proceed to make out a case to be placed on the completed files.—A. For instance, we go through our files and find the requirements of the Pension Bureau dated, say, July 1, 1890; we comply with that, file the evidence, and then, so far as we know, it is a completed case.

Q. When you look up that case in regard to the status of the case, do not you know whether the Department is satisfied with the evidence or not?—A. Yes, sir; else they call for more.

Q. Do you not know it before you take up the case and certify it?—A. We can not know it; we only presume.

Q. Here is a number of cases put on the completed file——A. There are only two there where they call for evidence; two out of thirty. There are only two in that whole list where they call for evidence where the claim was apparently incomplete. Twenty-eight slips were verified on an examination in the Pension Bureau. Because

the Pension Bureau is in laches it is not a reflection upon the attorney, and the claim is still complete notwithstanding the fact. In those cases where testimony has been called for, it is additional. For some reason they have considered it as necessary testimony on some of the points covered by us.

Mr. WILSON. In other words, you had already filed evidence on the points, and they wanted further evidence on those points?

A. Yes, sir. For instance, they would throw out an affidavit because the witness signed by mark, and they would want another witness, or something of that kind.

Mr. LEWIS. It is your custom in a case of that kind to ascertain it when you get the status of such a case from the Pension Office?

A. Yes, sir; usually. Sometimes we demur to the requirements. We do not comply always. Sometimes we demur and return it to the Pension Office and ask why it is necessary to call for such testimony when we have filed testimony of the same character. Sometimes the claim is taken up and admitted without further testimony and sometimes not. They usually do not give us a reason unless we insist upon it, but in most cases where there are simple requirements we have called on the claimant for them instead of demurring, because it takes a long time to get a reply, and the cheapest way is to just call for the requirements.

Q. When you look over a case reported from the Pension Office you know in what particular it is incomplete?—A. Yes, sir; I can tell the status of every claim on file by an examination of the papers pertaining to it.

Q. It amounts to this in regard to the completed files, that you can have your cases called up and all the evidence lacking procured simply by putting them on the completed file list?—A. Oh, no; we do not ask a case to be put upon the completed list unless we furnish all the evidence required in the case that is developed by the examination.

By Mr. COOPER:

Q. If I understand your testimony in reference to these thirty slips referred to in Mr. Lincoln's letter, six were then pending before the board of review, nine were complete and ready to be referred to the board of review, and thirteen were lacking in some requirements, which it was the duty of the Pension Bureau to supply, and two were lacking in evidence you should supply?—A. We had been called upon for additional evidence, and I claim the points had been covered, but not to the satisfaction of the Pension Bureau.

Q. That is a summary of the situation?—A. I think that is about a summary of it.

Q. I believe you stated in the fifteen cases which the Bureau found to be incomplete, say for lack of evidence on your part or conditions to be supplied by the Department itself, that in each of these cases your calls, which had been submitted by you at that time, facilitated the adjudication of them?—A. Yes, sir.

Q. It had the effect of calling the attention of the Department to them immediately and to have immediate action taken?—A. Yes, sir.

Q. Within a very brief time after that they were taken up and disposed of?—A. Yes, sir.

Q. And as a result of that method of proceeding you obtained immediate action upon cases you certified to be complete?—A. That was simply an experiment.

Q. Well, on that experiment, did not you find that to be the result in reference to the action of the completed file system?—A. Not necessarily. It is a step in the right direction.

Q. It is practically the same thing you have shown here?—A. You do not secure immediate action.

Q. But was not quicker action secured in that case?—A. Yes, sir; it is a great deal more satisfactory than the former practice.

Q. It is to you?—A. It is to anybody.

Q. You can not speak of anybody but of yourself; you do not pretend to speak of those who have no attorneys?—A. But they are treated alike.

Q. Those that have no attorneys and not able to avail themselves of these requests?—A. Unquestionably; why should they not?

Q. Where a person had no attorney and could not avail himself of the benefit of these requirements by reason of his inability to do so, ignorance of the law, experience, etc., is it the presumption that he would be so benefited?—A. His claim naturally gravitates into the completed file.

Q. It would gravitate there by and by when they got through advancing your cases which you were bringing up?—A. Not necessarily. Some claimants I find to be men of great intelligence and who prosecute their own claims. The ignorant ones go to the attorneys and the intelligent ones prosecute their own claims.

The CHAIRMAN. As a general rule, is not that the case?

A. Yes, sir.

The committee then adjourned until Wednesday, May 25, 1892, at 10.30 a. m., to meet at room 17, in the Capitol building.

WASHINGTON, D. C., *Wednesday, May 25, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Dungan, and Little of the committee, and Hon. B. A. Enloe and Hon. L. E Payson.

J. R. VAN MATER—Recalled.

By Judge PAYSON:

Q. I want to ask you—I have had no conference with you as to what I am to ask you about—I want to show by you and others as to the administration of Gen. Raum as Commissioner of Pensions. And I will ask you first what has been his organization of the Bureau since he took charge of it, as to whether it was a meritorious organization?—A. I think his organization has been an excellent one.

Q. What has been the general proficiency in the office as to work and its results?—A. I think the office has been exceedingly industrious. It has always been an industrious Bureau.

Q. During the time of his administration there what has been the degree of diligence exercised in performing public duty on the part of employés?—A. They have been very diligent.

Q. Covering all the branches of the service so far as your knowledge goes, what has been the general management of the office?—A. I think it has been very efficient.

Q. Without any idea of criticising any prior administration, you may state how, in your judgment, his administration would compare as to results and general efficiency with those of his predecessors.—A. Well, I think it would compare very well. Both of the last administrations of the Pension Office were very efficient. I do not wish to disparage them in any way. I think Gen. Raum's administration will compare favorably with other administrations of the Bureau.

Judge PAYSON. That is all.

R. A. DURNAN.—Recalled.

By Judge PAYSON:

Q. You may state to the committee what your judgment is as to Gen. Raum's organization of the Pension Bureau.—A. I think the administration of the Bureau by Gen. Raum has been as good as that of any administration which has preceded him, so far as I have been able to see, especially with that part of the work which comes under my supervision. The clerks are diligent and are honest about their work, and careful in their work.

Q. And his general management of the office, in your judgment, is excellent?—A. Yes, sir.

Judge PAYSON. That is all.

F. H. ALLEN—Recalled.

By Judge PAYSON:

Q. You may state in your own way what your judgment is as to the matter of Gen. Raum's administration of the Pension Bureau.—A. I think it has been very excellent.

Q. Since you have been connected with it?—A. Yes, sir. Since you

have been asking Mr. Durnan in regard to diligence, I keep in making my ratings, I try to make it a mathematical certainty. I have only had to mark 2 clerks out of 160, which have fallen below the maximum during the month of April. The average percentage of cases returned on account of errors in my division, of invalid cases, amount to 1 and a little over ten one-hundredths per cent, which I think is remarkable for accuracy as well as diligence.

Q. Commencing with his organization of the Bureau since he proceeded to take charge of it and coming down to the present time, state your idea of this administration as compared with others, with his predecessors?—A. It compares very favorably with any administration I have been acquainted with.

Judge PAYSON. That is all.

The WITNESS. I would like to make an explanation in regard to my testimony, given heretofore, which seems to be misunderstood; at least I did not mean it as it appears to have been taken, which is in regard to the record and pension division. I believe the system of Mr. Ainsworth in regard to the record and pension division is as near perfect as it can be made. Personally I believe Mr. Ainsworth is a gentleman, from what I have seen of him. I never met him but one half day. The errors I mentioned in my testimony were clerical errors that would occur anywhere. I judge, from what was in the newspapers, that I was understood as criticising it as a system, which is not so. The system could not be adopted in our work any more than the system of the Congressional Library could be adopted in the Supreme Court.

By the CHAIRMAN:

Q. It seems that the chiefs of the divisions keep a record of the efficiency of their clerks?—A. Yes, sir; we have since the order of the President.

Q. How long has that been?—A. His order was made in December, and we got the order January 2, from the Secretary of the Interior.

Q. Last January?—A. Yes, sir. I do not discover any particular difference in the clerks; but now we have a record of each error.

Q. You did not have that before?—A. No, sir. We had a record of the errors in the cases. Now we keep a complete record of the work of each clerk.

Q. Does the efficiency of the clerks depend upon the chiefs of divisions?—A. Not in my division. My ratings are a mathematical certainty.

Q. The Commissioner looks to you?—A. Except the conduct and industry; of course that they would have to determine.

Q. The promotions would be apt to come through the recommendation of the chiefs?—A. They were until this order in the winter. Previous to that they were generally made on my recommendation; since then the orders of promotions have been upon competitive examination.

Q. Generally speaking what would be your idea of chiefs of divisions borrowing money from their subordinates?—A. Generally speaking, I should say that it is not bad. I would like to explain that.

Q. What would you think would be the natural tendency of borrowing by superiors from inferiors?—A. I should think it would not be good. I can not hardly imagine of its being done.

Judge PAYSON. You were about to illustrate. Please go on and give that explanation.

The WITNESS. We have a great many low-grade clerks. I know they frequently come to me and ask me to loan them $5 until pay

day, which may be two or three or four days off. If I have no surplus money, which I don't usually have, because what I have is in bank—if I have not, I turn to my assistant and say, "Joe, lend me $5." I know if he has it he will loan it to me, and I loan it to you (this other man), and when it comes back to me I pay it over to him. It is a matter of accommodation and I have never known it to fail to be paid.

By Mr. LIND:

Q. Mr. Allen, have you in your division people doing the same work and receiving different salaries?—A. O, yes, sir.

Q. That is customary?—A. Yes, sir.

Q. That is, you have known cases of that kind frequently, not only in your own department, but in all departments?—A. Necessarily it must be so.

Q. What is your judgment; do you think that is conducive to the best result in good discipline of the office to have men and women doing the same work, identically the same work, at different salaries?—A. It would seem to be unfair, but it can not be otherwise under the appropriations. We could not divide that otherwise.

Q. Under the appropriations?—A. Yes, sir; it must be done.

Q. You have been in the office a good while and occupied different positions. In your judgment, would it be any improvement in the service to rearrange it and classify it, if possible, in such a manner that people of the same degree of proficiency, and doing the like work, would receive substantially the same pay?—A. It would be better if it could be so, but I do not think it can be.

Mr. BROSIUS. Rules, regulations, and laws are made for general purposes and giving general conditions, though they may result in apparent hardship in individual cases. Supposing you have a family consisting of a wife and six children to support. A female clerk, who has no family and nobody to support but herself, does the same work that you do, would it be right to pay her the same salary as you are paid, as a general rule? I only give that instance to illustrate multitudes.

The WITNESS. I should say it would. I do not take into consideration her private affairs at all.

Mr. LIND. Nor his?

The WITNESS. No, sir.

Judge PAYSON. Nor the Government can not do that in selecting employés?

The WITNESS. If she earns as much money from the Government as I do she is entitled to the same pay for it.

WARNER WILLHITE—Recalled.

By Judge PAYSON:

Q. What is your judgment, Mr. Willhite, as to Commissioner Raum's organization of the Pension Bureau, commencing back to its organization, whether you consider it has been a good organization or otherwise?—A. My judgment is, the organization is admirable.

Q. What can you say as to the general efficiency of the Bureau in the performance of public duties during the time he has been there?—A. The matter of diligence on the part of employés under his administration, so far as my observation has extended, I should say that the clerks, generally, that I have under my supervision are very conscien

tious and industrious as a class as anybody you could get together of that many.

Q. Without any idea of criticising any previous administration, what is your judgment of Gen. Raum's administration as compared with the others?—A. It is fully up to the others.

Q. What is the condition of the work in the office as compared to the others as to being current?—A. I think it is getting toward current as hard as we can, but you must remember we had over 600,000 cases dumped on us twenty months ago under the act of June 27, which put quite a load on us, and from which we have been trying to get from under ever since.

By Mr. ENLOE:

Q. How long have you been in the Pension Office?—A. Since July, 1889.

Q. Did Commissioner Raum appoint you to your place?—A. No, sir.

Q. Who appointed you?—A. Mr. Tanner.

Q. You have been continued under this administration in the same place?—A. Yes, sir.

Q. Do you know anything about what has been developed in this investigation?—A. But very little; I have read a good many items in the newspapers; some of them I have taken as worthy of consideration, while others have gone in one ear and out of the other.

By the CHAIRMAN:

Q. I would like to ask you the same question that I asked the last witness. What would you think of the propriety of a law prohibiting the borrowing money by superiors from inferiors in the public service?—A. I can only speak from my observation, and I have seen nothing that in my judgment would require any legislation on the matter at all.

Q. You don't remember the case of Barker reducing a man as a result of a loan, do you?—A. I heard of it; and, as I say, it was not under my personal observation and I don't know as to that.

Q. You would not think that was proper?—A. No, sir; that is, you mean that I should be allowed to promote or reduce according to whether I owed the money or not?

Q. Yes, sir?—A. No, sir; I don't think that is proper at all.

Q. Would it not have a tendency in your judgment, if an inferior was asked to loan to a superior and he should comply with that request, would it not make a relationship between them that would be somewhat detrimental to the public service?—A. My opinion is it would be.

Judge PAYSON. So far as you know in the Pension Office there has not been enough of that kind of work done to necessitate any regulation or legislation?

A. I know nothing myself, but occasionally there are instances we have heard of.

Mr. ENLOE. You don't know anything about to what extent it has prevailed?

A. No, sir; it has not prevailed under my direct observation. Of course the rest is hearsay.

W. N. REYNOLDS—recalled.

By Judge PAYSON:

Q. You may state, Mr. Reynolds, what is your judgment, or give the committee your judgment as to the administration of Gen. Raum in the organization of the Bureau and the efficiency of the service, of the

employés, and all that pertains to the administration of the Bureau in a general way, what in your judgment it is.—A. Well, I consider my force as very efficient. I consider the condition of the work and the rules under which we are working as admirable.

Q. What progress is being made in the Bureau as to having business current as near as may be, is it gratifying or otherwise?—A. It is very gratifying to me at this time.

Q. You were not in office during any prior administration?—A. No, sir.

By Mr. LIND:

Q. Are you also gaining on the claims filed under the act of June, 1890; that is to say, are you granting more claims under that act than the number of applications coming in?—A. Oh, yes, sir; at this time we are.

Q. You are disposing of more?—A. Yes, sir.

Q. You are gaining on it?—A. Yes, sir; decidedly.

Q. Can you form any estimate, or have you formed any estimate, so you can give us an idea how soon you are likely to be up to date on that work?—A. Well, on that work we are submitting cases that are complete up to March of the present year.

Q. Excuse me for interrupting you, you mean to say cases coming in last March?—A. Coming in in the meantime.

Q. Previous to that time?—A. Are now being submitted that are complete. There are a great many cases back that have been neglected, that they have neglected to answer all the calls, and therefore they are not complete. We are going over those and repeating the calls.

By the CHAIRMAN:

Q. At about what rate are new applications being filed under the law of June, 1890?—A. I can only tell in my division.

Q. I am asking you in your division.—A. They are coming in very slow.

Q. Do you know about how far the Department is behind on that work? What I mean to say, about how many pending claims there are now under the act of June, 1890?—A. I would not like to say.

Q. Can you approximate it in your division?—A. I could not close enough so it would be worth anything. I know about the number we are sending out per day and I could tell you near about what we are getting in. Cases that come in the last week, the calls are all made now.

Q. Last week?—A. Yes, sir; they are up. I don't know whether that is so in the other divisions, but it is so in mine.

Q. Can you give an idea how many applicants are coming in in a week now?—A. From 100 to 200 per week. I am sending out probably on an average of that class nearly 500 per day.

Q. Would your division be a fair representative of the other divisions under the new law as to the amount coming in?—A. I guess so.

Q. Is your division lighter than the others?—A. No, sir; I think I have the largest, except perhaps Mr. Durnan's division might be a little larger.

Q. You average about 200 per week?—A. Yes, sir; from 100 to 200.

Q. From 500 to 1,000 per week in the department?—A. Yes, sir; if they average the same as mine.

Q. (By Mr. ENLOE.) Had you had any previous experience with any other administration of the Pension Office?—A. No, sir; not at all.

Q. Do you know anything about the operation of the completed file order?—A. Of course I know how it works.

Q. I want to ask you this, if you have an idea of what percentage of cases which come into your division on the certificate of the attorneys that they are ready for the completed files are found to be complete?—A. You mean at this time?

Q. I mean since you have been in the office, what percentage you have found to be complete?—A. Nearly all of them of two months ago, and not all of them now. I should guess probably between 60 and 70 per cent. That is a guess, but I should guess that.

The CHAIRMAN. Complete or incomplete?

Mr. ENLOE. I asked you the number you found to be—when sent up on an attorney's certificate you have found complete?

A. Probably 50 per cent. That is a guess, too. There will be some calls that will have to be repeated. The evidence does not cover the ground to the satisfaction of the examiner and other calls have to be made.

By Mr. LIND:

Q. You say 50 per cent?—A. Yes, sir.

Q. You say that is a guess, too?—A. Yes, sir.

Q. Is it a matter of record so you could tell?—A. I think the Commissioner knows; we make a report to him.

By Mr. ENLOE:

Q. What percentage in the year 1890 did you find to be complete that went from your division on attorneys' slips?—A. Taking up and gone to the examiners?

Q. The cases where the attorneys certified the cases complete in order to have them placed on the completed files?—A. I should say only 50 per cent.

Q. You think it was under that?—A. Well, I should say I should most think it was, sir.

By Judge PAYSON:

Q. The incompleteness of the case after it has been certified by the attorneys, if it is not found complete, it is because of the lack of the furnishing of some evidence that should come from the War Department, that the Bureau should have called for and not the attorneys?—A. And also often on other accounts. An attorney furnishes a piece of evidence of a person who makes an affidavit as to origin. Now we correspond with him. We take that case up and it would not be complete because we would have to correspond with the witness to see whether they would say the same thing unofficially when corresponded with that they swore to, and therefore that case would have to go back until that came in. And I want to say in addition to that, I want to qualify this a little further, because a person swearing to origin of anything of that kind, we will call on the War Department and see if they were present. They swear they were present at a certain time and we find out if they were there at that time.

Q. That is not the fault of the attorney?—A. No, sir; nor the correspondence is not really the fault of the attorney.

Q. Does it not sometimes occur that the evidence submitted by the attorney, which is really in reply to a call by the office, is it not sometimes found that that does not cover the ground, and therefore additional evidence is called for?—A. Yes, sir; frequently so; and frequently in filing their cases the claimants do not allege in the declaration

whether they had any service or they do not say whether they had filed any previous application.

By Mr. ENLOE:

Q. Have you been in the habit of reporting attorneys who have falsely certified that their cases were complete where you found very flagrant cases where the attorney must have known it was not complete?—A. I think we have some in our division.

Q. Have you ever known one to be disbarred for that?—A. Not to my recollection.

Q. Do you report them now where they make such false certification?—A. I think we would unless it was something that anybody would be liable to make a mistake on.

F. H. ALLEN—Recalled.

By Mr. ENLOE:

Q. I want to know, Mr. Allen, if you can give the committee an idea of the number of cases that are found to be complete that have been placed on the completed files by attorneys in your division?—A. I could not. They all come in together—those that are put on by certification of the attorneys and those that come in by the natural operation of the office.

Q. You can not give an idea as to what percentage of the claims placed on the completed files by attorneys' slips were found to be incomplete?—A. My recollection is, about 50 per cent.

Q. What is the percentage of those found to be complete?—A. It comes near 48 per cent that are already on the completed files without being certified there. When it comes to the incomplete ones I could not say what proportion of them were incomplete by separating from those put on the completed files. They are reported so many examined, and so many found complete, and so many found incomplete. Part of them are put on by the regular operation of the office and part of them by the certificates of the attorneys.

Q. Have you been in the habit of having attorneys reported where you found they were abusing the privilege of placing cases on the completed files?—A. I reported several when we first got the completed files order; but on examination I found the great bulk of those certified as complete, if they were incomplete, that the attorney had done all he could be expected to do. It nettled me at first; but lately I have not done anything of that kind. I have not noticed any great number of cases. Whether the attorneys were disbarred or not I do not know.

By Mr. BROSIUS:

Q. Would the certification by an attorney of a case to the completed files that was not complete be in any way an advancement of that case?—A. Not now, sir. It would right in the start probably, for a month or so. It would come up as a completed case and the examiner seeing the case on the completed files and finding it incomplete would make the call.

Q. Under the existing practice the attorney could have no motive in making a false certification?—A. It would not help him a bit, only to get it on the completed files. If incomplete, he would lose time by it.

TESTIMONY OF J. SHAW.

J. SHAW sworn and examined.

By Judge PAYSON:

Q. What official position do you hold in the pension office?—A. I occupy the position of chief of section in the middle division.

Q. How long have you been in that division and occupying that position?—A. I have occupied that position since, I think, September, 1886.

Q. With the exception of the ordinary annual leave to which you are entitled have you been on active duty since then?—A. Yes, sir.

Q. I will get you to state in your judgment, first as to Gen. Raum's administration of the Pension Bureau, as to his efficiency in organization, and as to whether it has been productive of good results?—A. I think it will compare favorably with the administration of any and all of the Commissioners under whom I have served since 1869.

Q. What is the condition of the work and its progress towards its being current?—A. I think it is approaching that point, sir, but it will require some time to reach it.

Q. (By Mr. LIND.) Let me ask you whether it is in a better state of advancement now than it has been at any time within the last four or five years, in your judgment?—A. Well, perhaps it is, for this reason: There has been a larger degree of liberality on the points of ruling and practice of the office. For that reason, perhaps, it is advancing more rapidly than before. The further away we get from the period of the war it becomes necessary to liberalize more.

Judge PAYSON. In a general way what has been your observation as to the diligence of the employés in the performance of their duty?—A. Very good, sir.

C. W. FILER—Recalled.

By Judge PAYSON:

Q. Capt. Filer, I will get you to state what is your opinion as to Gen. Raum's administration of the Pension Bureau since he has had charge of it, beginning with his organization of it down to the present time, as to proficiency of the Bureau and to the advancement of the public service?—A. In my judgment it has been excellent.

Q. In the matter of detail what has been your judgment as to diligence on the part of employés in the performance of their duties?—A. So far as that is under my supervision I should say it has been first class in every respect. I do not think it would be possible to get the same number of people together and have a higher average in diligence.

By Mr. ENLOE:

Q. Have you been in conference with the Commissioner of Pensions and other chiefs of divisions before coming here?—A. Not particularly; no, sir.

Q. Has that been the subject of discussion between you and the Commissioner?—A. No, sir.

Q. Never talked about it at all?—A. It was supposed we would be called on to give our views as to the efficiency of the office.

Q. You knew you were coming here to testify?—A. I knew that forty minutes ago.

Q. You had some talk with the Commissioner?—A. Not personally; no, sir.

Q. How did you have it?—A. Not any more than a meeting of the chiefs to send us up here.

Q. He gave you notice and sent you up here?—A. Yes, sir; called us in.

Q. You were all in together?—A. Yes, sir—no, sir; not all; I believe there were only six of us.

Q. Who were they?—A. There were seven of us. I will qualify it again: Five adjudicating chiefs and a chief of the board of review and medical referee.

Q. Name them, please?—A. Mr. Van Mater, Dr. Ingram, Mr. Durnan, Mr. Willhite, Mr. Reynolds, Mr. Allen, and C. W. Filer; I believe that is seven. I think that is all there were present.

By Judge PAYSON:

Q. When was that?—A. About thirty minutes before I started to come up here.

Q. You may state exactly what was said in that conversation as to your coming here and how it happened that you were to come?—A. I don't know as I could remember any conversation.

Q. Was it named that I had requested you should all come; that he should get you together and send you up to be here at 10:30?—A. Yes, sir; the Commissioner stated you had requested the chiefs to be called up to testify.

Q. That was what was said?—A. Yes, sir; that they were to come and testify as to the efficiency of the Bureau under the administration.

L. M. KELLEY—Recalled.

By Judge PAYSON:

Q. You may state, Mr. Kelley, your judgment to the committee as to the administration of Gen. Raum since his connection with the Bureau down to the present time, in a general way.—A. Well, I think it has been good.

Q. So far as your observation has extended?—A. Yes, sir.

Q. As a chief of the division, what has been the diligence on the part of the employés in the office?—A. I can only speak of my division.

Q. I am asking you so far as your observation is extended.—A. I think it has been remarkable, so far as my division is concerned.

Q. Were you in any prior administration?—A. No, sir; I was not.

By Mr. ENLOE:

Q. Gen. Raum appointed you?—A. No, sir; I think my appointment was made during the interim between Tanner and Raum; I think so.

Q. Have you heard other chiefs of division express their opinion about the efficiency of the Bureau?—A. Perhaps I might in a casual way, Mr. Enloe. I think I might have heard them in a casual way.

Q. The expressions you have heard were all of the same character to what you have been listening to this morning?—A. What little I have heard, Mr. Enloe, has been of that order.

E. J. TOTTEN—Recalled.

By Judge PAYSON:

Q. Give the committee your judgment, Mr. Totten, in regard to the administration of Gen. Raum in his connection with the Pension Bureau since you have been connected with it?—A. I came over and became connected with the Pension Office on the 7th of November of last year. Of course I have been studying and learning, and so far as my division is concerned we are up with our current work. When I came here they were some behind.

Q. So far as your observation extends, what is the character of diligence on the part of employés in the performance of their public duty?—A. They could not be any better.

Q. And the general rules and orders for the management of the business, so far as you have observed, are excellent?—A. A1.

By Mr. ENLOE:

Q. You say you were appointed last November?—A. Yes, sir.

Q. Had you any Government position before that?—A. Years ago I did—fifteen or sixteen years ago.

Q. What State are you from?—A. Ohio.

Q. Did Commissioner Raum give you your appointment?—A. It was under the administration. I got it from Secretary Noble, I suppose.

Q. You suppose you got it from Secretary Noble?—A. I got the dispatch that I was appointed here; Mr. Davidson was Acting Commissioner at that time.

Q. Did you ever have any talk with the Commissioner about this investigation?—A. Nothing, until this morning.

Q. Talk with the other chiefs?—A. I won't say I had not, because I made an investigation in regard to certain things he instructed me to.

Q. That was the Ford matter?—A. Yes, sir.

Q. Is Mrs. Wright still in your division?—A. She was transferred from my division on Monday.

Q. Did she ask for a transfer?—A. Yes, sir.

Q. Is Ford in your division yet?—A. Yes, sir; assistant chief.

Q. To what division was she transferred?—A. To the middle division; we exchanged clerks. She went to the middle division and they sent us a lady in her place.

Q. Did she seek a transfer on account of the relationship between her and Mr. Ford—on account of the feeling between her and Mr. Ford?—A. She said she would like to be transferred; I told her I had no objection. She is an excellent clerk, and I told her I would have no objection if they would send me as good a clerk as she was. I suppose they have, as she seems to be a good one.

Dr. THOMAS D. INGRAM—Recalled.

By Judge PAYSON:

Q. When did your connection with the Pension Office begin; you stated once, but I have forgotten?—A. In August, 1889.

Q. From that time down to now I will get you to state to the committee first what your judgment is as to Gen. Raum's administration of the Pension Office.—A. Gen. Raum entered the office as Commissioner

soon after I was appointed first as assistant medical referee, and I was appointed medical referee under his administration, at the death of Dr. McMillan. I think that there has been improvement in the methods, so far as my division is concerned, since Gen. Raum's connection with the office. He has considered with me any suggestions I had to make concerning the work, means of advancing the work and making it correct, and I feel satisfied that his administration has been excellent throughout.

Q. How have you found him in the way of considering propositions in the way of improvements, and all that sort of thing?—A. Manifesting a desire to establish all methods to improve the public service; I have always found him willing to confer upon the matter; his advice has been, I think, of the best.

Q. What has been your observation of the diligence on the part of employés in the performance of their public duty?—A. Speaking for my own division, I think we have all been anxious and earnest to make good work and of doing good work in every particular.

Q. As to effectiveness of work and as productive of results, have you any tabulated statements showing the comparson with reference to that matter with you?—A. I have with me a little statement.

Q. You may produce that, doctor, and I will offer it in evidence?—A. It was simply to show the amount of work by years, to compare it with reports formerly made in former years. There may be some uncertainties connected with it. I have here what I had my clerk prepare for me who has charge of that kind of work.

Q. Without stopping to read it, that is a paper—those are correct statistics as to the facts which they purport to state?—A. I think they are.

Q. And are correct in your judgment?—A. I think they are.

Judge PAYSON. I will offer those papers in evidence, Mr. Chairman.

Consolidated reports by years ending—	Original, increase, widows, and minors.		Increase.		Restoration, reissue, and new disability.	
	Admitted.	Rejected.	Admitted.	Rejected.	Admitted.	Rejected.
June 30, 1887	45,792	11,158	31,791	32,024	2,707	.....
June 30, 1888	45,749	4,405	37,552	30,659	7,433	1,681
June 30, 1889	45,393	4,203	62,192	33,377	7,774	1,445
Total	134,934	19,746	131,535	96,060	17,914	3,126

Consolidated report by years ending—	Cases disposed of under act of Aug. 4, 1886.	Cases returned with medical opinion and examination ordered.	Total number of cases disposed of.	No. of orders for medical examination to claimants recorded and mailed.	No. of surgeons' certificates received.
June 30, 1887	13,241	36,191	168,220	.....	176,116
June 3, 01888	1,722	17,686	144,887	231,662	182,952
June 30, 1889	874	17,642	173,900	228,259	164,758
Total	15,837	71,519	487,007	.....	523,826

Consolidated reports by years ending—	Original, increase, widows, and minors.		Increase.		Restoration, reissue, and new disability.	
	Admitted.	Rejected.	Admitted.	Rejected.	Admitted.	Rejected.
June 30, 1890	64,257	1,942	79,281	39,931	11,758	333
June 30, 1891	150,636	9,830	76,211	34,426	9,729	1,012
Up to April 30, 1892	163,900	31,637	62,144	42,303	3,912	775
Total	378,793	43,409	217,636	116,660	15,499	2,120

Consolidated report by years ending—	Returned with opinion or ordered for examination.	Claims submitted for medical opinion and disposed of.	Claims submitted for ord. medical examination and disposed of.	Total number claims disposed of.	No. orders for medical examination to claimants recorded and mailed.	No. surgeons' certificates received.
June 30, 1890	8,644	6,079	17,558	229,793	319,656	244,189
June 30, 1891	21,807	5,387	23,530	332,568	603,641	474,689
Up to April 30, 1892	20,377	13,285	16,594	354,927	427,570	386,090
Total	50,828	24,751	57,682 24,751 50,828	917,288	1,350,867	1,104,969
			132,261			

The WITNESS. This is not intended to suggest that there has been either better work or more earnest work per individual, but it does show that there been a larger increase in the amount of work done during the last three years.

By Mr. ENLOE:

Q. I will ask you what effect the passage of the act of June 27, 1890, had upon the table you exhibit here?—A. It would really have considerable effect, because those cases are much simpler. On the other hand, it would be offset by the pending claims under the general law, as we term it, which are really more complex and becoming more complex every day. The further you get away from the time of the discharge the more difficult it is for the claimant to establish his claim, and the more complex is the nature of the evidence. It has to be weighed. So also with widows' claims.

Q. Have you had the same force at work during the years 1890, 1891, and 1892, that were in the office in 1887, 1888, and 1889?—A. No, sir; by no means; there has been an increase in the force.

Q. How much?—A. I am not able to tell the exact numbers—what there was in 1890. There were twenty additional surgeons appointed under the act of Congress allowing us that increase of force. There has been added to my division also quite a large number of clerical help bearing upon the recording of orders and recording of the receipt of certificates. We have also called upon the divisions for graduates in medicine as assistants, acting medical examiners. The new force in the medical board have to be drilled. Both those that were brought in through the office and those that came in under civil service rules, so that perhaps would not count.

Mr. DUNGAN. You mean that the greater the force the less efficient?

The WITNESS. The greater of that kind of force; they do not count in an official way as older and more experienced ones. It takes a pretty bright one a year to become familiar with the rules and regulations. He may be familiar with the principles of medicine, but he must have in addition here much of the pension law and much of the practice in the office before he is well equipped.

By Mr. ENLOE:

Q. You do not present this as tending or proposing to institute a fair comparison of the work under the preceding administration and this administration, do you?

Judge PAYSON. I object to that, Mr. Chairman. It is presented because I asked him to do so. The object of it, for which it is presented, or the results which may come from it, is not a matter of any concern of the witness at all.

By Mr. ENLOE:

Q. I will ask the witness if he knows how many men were employed in the medical division during the years of 1887, 1888, and 1889?—A. I don't know with certainty, but I could very easily find it out.

Q. Do you know what addition has been made to the force in that office and at your command which enabled you to dispatch work more rapidly in 1890, 1891, and 1892?—A. I have just suggested that twenty additional medical examiners were allowed by an act of Congress.

The CHAIRMAN. In your division?

A. Yes, sir; and possibly 8 or 10.

Mr. LIND. In addition?

A. Yes, sir; now that number varies; they go and come as I have needed them or as I have found them effective.

By Mr. ENLOE:

Q. Sometimes more and sometimes less?—A. Yes, sir.

Q. You think about 8 or 10 a fair average of the increase which you have had in your division?—A. It would be difficult to say. Sometimes there has been more than that number. But there have been so many different changes in the method of doing the work that the comparison could not be made fairly.

Q. What would you say would be a fair day's, fair average day's work for an examiner, medical examiner, under the general law before the passage of the act of June 27, 1890?—A. Well, from twenty to thirty cases under the general law.

Q. Now, how many cases could you have disposed of under the act of June 27, 1890?—A. They could dispose of forty to fifty, but we seldom work all day upon one class of cases. The cases come together and are acted upon together. So that a few days' work are made upon a certain class of cases.

Q. I want to ask you one other question about another matter. You say that the further we get away from the war the more difficult it becomes for pensioners to get the evidence to make out his case, complete his case. You made that statement, did you not?—A. Yes, sir.

Q. Do you know whether or not there has been any relaxation of the rules of evidence in order to accommodate the Pension Office to the necessities of the soldiers in that respect?—A. I don't think there has been in respect to medical evidence.

Q. Do you know whether or not there has been any decision or whether it has become part of the practice now to allow outside testimony as to the origin to overcome the theory of the medical referee?—A. The weight of outside testimony?

Q. Yes, sir. The weight of outside testimony or parol testimony to set aside what would appear from the records of the soldier to be the origin of his disease?—A. Whether the medical referee's opinion is respected, is that the point?

Q. Let me ask you this question: Suppose the record of the soldier would tend to show that he incurred his disability or that the origin of the disability was from a certain source, certain causes or occasions brought about by disease, but he produces evidence to show that it had an entirely different origin.—A. Now the question of origin is in the practice of the office looked upon as a legal question. I don't have anything to do with the question of origin. I have to do with the question of result after you get away from the original disease.

By Judge PAYSON. That is, assuming that the proof to the adjudication division satisfied them that the man is entitled to a pension on

that basis, then you come in to decide what benefit the soldier should get from that line?—A. The proof is accepted by the board of review as to the legal origin and continuance of disease. Any pathological results are to be accepted by the medical referee.

By Mr. DUNGAN:

Q. Then your board is nothing but a rating board as to the extent of the disability?—A. It is to the question of the extent of disability, covering all periods of disability and questions of accepting the pathological result as to the disability.

Q. Have you any right to disagree with the board of review?—A. I don't know as I have.

By Mr. ENLOE:

Q. Do you examine the question in going through the case?—A. We certainly examine the case, because we must allow the rate of disability. We must ascertain the degree of disability. If it is shown to be very small, why the rate is small, and if it is shown to be a trifling disability originating in the service and the continuance has been trifling, our rates would be corresponding to that condition in accordance with law.

By Mr. LIND:

Q. Doctor, are not cases sometimes referred to you for your medical opinion as to whether the disability is a result of a legitimate and actual result of a specific injury, before that matter is passed upon at all?—A. They are.

Q. Is that a large portion of your work?—A. We have a very large number of calls of that character or a similar character to answer, as shown by this statement. For instance: "Calls submitted for medical opinion and disposed of—

By Mr. LIND: (Interrupting.) I did not ask for statistics.

A. They are, yes, sir; frequently sent to us.

Q. Those cases are then returned to the adjudicating board with your opinion?—A. Yes, sir.

Q. And passed upon?—A. I think it is intended to make it hold—make every case hold in the opinion of the medical referee as well as in the opinion of the legal board.

Q. When the case has been prepared for adjudication and is transmitted to you for a rating, does your office rely solely on the different reports of examiners, boards of surgeons, or do you consider the testimony on file in the cases, in connection with the reports of the boards? I never knew just exactly how your work was done in that respect, and I would be very glad if you would make a full statement.—A. We take into consideration every paper in the claim, even the claimant's own statement as a foundation, when it is substantiated by the evidence, and we look at it from a medical standpoint.

Q. As to the disability?—A. As to the character and extent of the disability, and then as using the examinations made by the examining boards as a sort of a test, as expert testimony bearing upon it. In the nature of expert testimony, they having the claimant before them. The aim, I think, is to get at the exact condition of the soldier; his clinical history throughout. His exact condition. A large amount of work——

The CHAIRMAN. We do not care for that.

A. If you will pardon me, a large amount of work is bearing now on widows' claims, which I think is an important matter here. Widows' claims are increasing and the work of the medical division has to do

with determining whether the soldier has died—widows under the general law—whether the soldier has died from a disability incurred in the service. This requires a great deal of care and knowledge of pathology to satisfactorily see whether the soldier died from the disabilities for which he has been pensioned or which have been proven to have been of service origin.

By Mr. ENLOE:

Q. Supposing it appears that a soldier had diarrhea, chronic diarrhea, in the army and he dies from epilepsy, and the claim is made that the death is the result of the disease incurred in the service; does that character of work come to your board to settle?—A. Yes, sir.

Q. This matter of pathology is rather intricate, is it not?

The CHAIRMAN. It is my opinion that it is too intricate for this committee to spend any more time upon it.

By Mr. ENLOE:

Q. If the chairman will bear with me for a moment. I want to ask the witness if there are not a number of young men recently from the colleges on this medical board or in his division, settling these very difficult problems?—A. I would not like to admit they are settling them.

Q. They are passing upon them and you are settling them?—A. They are making suggestions and more experienced men are settling them, and when they are doubtful they are brought to my personal attention.

Q. Then they are simply acting as reviewers, and you have final judgment passed by those in whom you have more confidence than these inexperienced young men?—A. I think the work is done throughout the Bureau by passing through two hands. We make a distinction between examiners and reviewers.

Q. You very frequently overrule examining boards in the country who reach different pathological results than you do, don't you?—A. We have to go over the evidence.

Q. How many have you of graduates of Howard University on your board?—A. I really do not know. There are other schools in the city from which there are graduates also.

Q. You have some from Howard University?—A. Yes, sir; I think some of the older ones are from there. Been there a number of years.

Mr. ENLOE. That is all.

Judge PAYSON. That is all.

M. B. BAILEY—Recalled.

By Judge PAYSON:

Q. Give the committee your judgment, Mr. Bailey, as to the administration of Gen. Raum from the commencement of his control of the Pension Office down to now, in a general way.—A. I think, in a general way, his administration of the Bureau has been efficient. It is so far as the control and direction of the work of the law division is concerned.

Q. Speaking of matters within the scope of your own observation, you may state first what has been the general proficiency and diligence of employés in the Bureau.—A. I am well satisfied with the work performed by the clerks in my division.

Q. I am asking you all these questions as to what you know as to matters coming under your own observation.—A. Yes, sir; my answer covers that.

Q. And I would like to have your judgment as to the administration of Gen. Raum compared with the administration of his predecessors.—A. The volume of work is much greater.

Q. And as to general results.—A. The same thing is true.

Q. Have you instituted any comparing work in your own division as between this administration and the administration under Gen. Black?—A. Yes, sir.

Q. Have you those figures at hand?—A. Yes, sir.

Q. You may produce them, and I will offer them in evidence.

The WITNESS. Here they are. They are only made in pencil, as I took them from several different people. I will copy them on the typewriter and furnish you the typewritten statement.

The following is a copy of the statement referred to:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, LAW DIVISION,
Washington, D. C., May 25, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: I have the honor to present herewith a statement embracing the work performed in the law division from March 4, 1889, to the present time, a period of thirty-eight months, and a similar statement covering a period of thirty-three months prior to March 4, 1889.

The average number of clerks under the first period has been forty-one; and during the second period of thirty-three months, thirty-five.

Of the present force, not including messengers, twenty were in this division when I assumed charge in April, 1889. The statement for the past thirty-eight months, does not include the work performed in the chief's room, such as two revisions of the pension laws, the preparation of 177 orders and rulings, the examination and approval of 576,000 completed files slips, nor the transfer of over 100,000 names from the old records to slips preparatory to making new records.

The vast difference in the work performed is mainly due to a thorough organization, and the personal responsibility to which each clerk is held.

	33 months prior to Mar. 4, '89. 35 clerks.	38 months subsequent to Mar. 4, '89. 41 clerks.
Records searched and information given	396,094	1,367,164
Letters written	17,746	62,226
Circulars and blanks sent	16,813	198,435
Entries on records	9,332	138,542
Cases handled and disposed of	28,541	47,150
Money recovered	$37,346.56	$102,892.89
Criminal prosecutions directed	223	493
Convictions	74	336

All of which is respectfully submitted.

M. B. BAILEY,
Chief Law Division.

Q. State, Mr. Bailey, as to the amount of force that you have now under your control and have had while this work was being done in your division, as compared with the number of clerks under Gen. Black.—A. It is not very much greater. I see by the report of my predecessor that he had 46 clerks. I have about that number now. When I went in there were about 35 clerks. I think the average number would be about 45. I have about that number now, sometimes more and sometimes less. I see by his annual report to the Commissioner he only mentions the number of his employés in his report once, and that was 46.

By Mr. ENLOE:

Q. Were you the chief of the division under Mr. Black's administration?—A. No, sir.

Q. What position did you hold then?—A. I was practicing law then in Kansas City and in Illinois.

Q. Do you know whether you have got any considerable number of the same force in there that was under the former administration?—A. I think quite a number of them; yes, sir. I think quite a number of them are in there yet.

Q. Do you think they have been more efficient under your administration in their work, and more industrious than they were then?—A. I don't know what work they did before. I only know what they did there for me and what their reports to me show. I will say that there has been an immense amount of work piled on the division, and it has compelled the clerks to work to keep up and keep out of the way of the other divisions.

Q. Has there been any change in the character of the work since you have been in office than what it was up to that time, or do you know?—A. The law division had only partial control of the matter of criminal prosecution until I came in there, when the work was transferred to the law division, and then the claims filed under the act of June, 1890, created a great deal more work, in regard to searching the records and furnishing information; that is one of the large items you see there in that statement.

Q. What is the character of the records that are searched to furnish that information?—A. Every claim that is filed in the Department necessitates sending it to the law division to have stamped whether the name of the attorney which is on the declaration appears on our records as admitted to practice.

Q. How long does it take to do that in a case?—A. A very short time to those experienced, as they can turn immediately to the records. Of course a great many names they are familiar with and know whether or not they are admitted to practice.

Q. Many of these circulars and blanks that you sent out were the circulars and blanks that had to be sent out in connection with order 149 and order 151, were they not?—A. One hundred and ten thousand of them.

Q. That necessitated the writing of quite a number of letters, did it not?—A. No, sir; just simply sending the circulars in those cases; didn't require any letters at all.

Q. Did you not frequently have to write letters to these attorneys in regard to matters growing out of the issuance of those two orders?—A. We would return to them one of those calls; I will submit you a copy of it, stating the application they had filed to have their case put on the completed files was not in proper form, and it was returned for that reason, and their statement must include whatever was stated in that circular.

Q. It did not take long to send out one of those?—A. No, sir.

Q. Was not this increase here in figures due in a large measure to the fact that the work was of a character that could be done more rapidly—that is, not as intricate as under the former law?—A. The work is exactly the same. The same clerks do it.

Q. Has it been simplified in the method of doing business; have you simplified the work there?—A. The work has been changed to this extent. I think two years ago—in fact a year and a half ago—all these records we searched were in books which had been running on there for twenty years, and I had all those books copied and a new record

made; but that is not included in that statement. That included the copying of all the names of justices of the peace, notaries public and attorneys practicing before the Bureau, included the transferring of over a hundred thousand names, and that work is not included in that statement at all. A great deal of that work was done at night.

Q. Did you have any conferences with Gen. Raum about the efficiency of the work there, talk about the chiefs of divisions coming before this committee?—A. No, sir; I prepared a statement in regard to the work here; and in doing that I sent the man who started to do this work to the stationery division to get copies of the reports, annual reports. He got all of them, and in preparing this report to me, he made that statement himself first, and I directed the others on that work to carry it out all the way through. That is how I came to make this statement. Gen. Raum asked me to make a statement of the work done in the law division since I have been in there.

DR. INGRAM—Recalled.

Dr. INGRAM recalled by Mr. Enloe.

Q. Do you have anything to do with the appointments in your division?—A. Nothing whatever.

Q. How are appointments made for that division?—A. Well, probably I said too much. The appointments coming through the civil service of medical examiners are made under the civil-service rules. These men are certified up whenever we ask for them, and I have been asked at times to look over the names, look over the papers, and suggest the names on the papers who I thought would be most effective.

Q. What State are you from?—A. Pennsylvania.

Q. How many Pennsylvanians have you in there since you have been there?—A. I could not say.

Q. Do you know whether there have been as many as 10?—A. I really do not know. I am certain I never looked into the question of State.

Q. You never heard any talk about that in the division?—A. Never heard it mentioned; no, sir.

Judge PAYSON. Do you know any Pennsylvanian there who ought not to be there?

A. I don't think I do.

Judge PAYSON. At this point, Mr. Chairman, I think I would like to cross-examine Mr. Fawcett. It will not take very long, and I want this to appear in the record that I gave verbal notice to Mr. Fawcett that I wanted to cross-examine him to-day and that was the first time I ever said anything of the kind to him. I have never intimated that I would cross-examine him at any other time, and if he has been in attendance on the committee it has not been on my suggestion at all.

THOMAS R. FAWCETT—Recalled.

By Judge PAYSON:

Q. If I recollect your testimony, you stated that your occupation was an attorney?—A. Yes, sir.

Q. Where were you admitted to the bar, and when?—A. I was admitted in Indiana, in Sullivan County.

Q. When?—A. In 1876, I think it was.

Q. When did you come to Washington to reside?—A. I came to Washington to reside in 1887.

Q. Are you engaged in a general law practice now?—A. No, sir.

Q. Have you been since you came to Washington to reside?—A. No, sir.

Q. What professional business have you been engaged in, then, since you resided in the city and since you severed your connection with the Pension Office?—A. I have been collecting some.

Q. Commercial collections?—A. Yes, sir.

Q. By personal solicitation generally, rather than through the courts?—A. I have not had occasion to go through the courts.

Judge PAYSON. Please, Mr. Fawcett, hereafter just answer the questions I ask you and make your answers responsive to the question; then if you desire to make an explanation, I shall be very glad to have you do so, as you have that right.

A. All right, sir.

Q. Have you any other grievance against Gen. Raum than those you have already given to this committee?—A. No, sir; not a particle.

Q. Have you had any purpose in testifying before this committee other than to tell what you knew, and to testify as a witness?—A. Nothing.

Q. Upon how many different occasions—approximate it as near as you can—have you taken occasion to prepare questions in writing and submit them to Mr. Enloe, or Mr. Cooper, or members of the committee during this examination?—A. I could not tell just how many; about a dozen, I guess.

Q. Don't you think a hundred would be nearer?—A. I don't think it would reach that.

Q. How many have you prepared to-day?—A. None at all.

Q. Have you sent any letter or communicated with anybody connected with this prosecution to-day?—A. No, sir.

Q. Have you made any suggestions to anybody in connection with the examination to-day?—A. Yes, sir; one.

Q. Do you regard it as any part of your duty as a witness when you are testifying in a matter under investigation to act as prompter to whoever happens to be prosecutor?—A. As a citizen, yes, sir.

Q. Why as a citizen?—A. Because I think it is the duty of every citizen, in so far as in him lies, to see that public offices are properly run, and when an investigation is made into a public office I consider it his duty as a citizen, if he knows any shortcomings, to inform the committee.

Q. Did you not have ample opportunity to inform the committee when a witness on the witness stand?—A. I answered such questions as were put to me while on the stand.

Q. Do you know of any matter you would have testified to when you were on the stand, if you had been given an opportunity?—A. I don't think I do.

Q. Do you know any witnesses that have been in attendance here during all the days you have been here who have pursued the same course you have?—A. I have not watched the witnesses.

Q. Do you know of anyone?—A. I have not watched them.

Q. You have sat in the room?—A. Some of the time.

Q. How many days have you attended on the committee from first to last down to to-day?—A. Probably over seventy days; that is, part of the time.

Q. In a general way, haven't you almost invariably sat immediately

behind the prosecutor?—A. I have sat wherever I could get an empty chair.

Q. Haven't you sat near Mr. Enloe, the prosecutor?—A. I have sat near there; yes, sir.

Q. Didn't you do that to be near him so as to make such suggestions as seemed to be the right thing to you to do?—A. Not exactly.

Q. What other object did you have?—A. To sit there.

Q. What other object had you?—A. To rest.

Q. Mr. Enloe never requested you to sit behind him to prompt him, did he?—A. No, indeed.

Q. Since you were discharged from the Pension Office do you remember of any particular thing that you have tried to do to injure Gen. Raum outside?—A. Not that I know of.

Q. You don't think of any?—A. No, sir,

Q. Did you attend the meeting of the Grand Army at Detroit?—A. I did not.

Q. Some time before that meeting did you endeavor to secure a lot of copies of the investigation of the last Congress in order that they might be circulated at the Grand Army meeting at Detroit?—A. I did not.

Q. Did you say anything of that kind, that you would like to do it?—A. No, sir; I will tell you what I did say; it was not in relation to the investigation.

Q. Did you have a conversation at one of the hotels in this city—I think Willard's Hotel—in the presence of a member of Congress from Illinois, not very long before the Grand Army meeting at Detroit, and you made inquiry of him when you could get about 4,000 copies of the report of the investigation had in the Fifty-first Congress, and saying you wanted them to distribute at the Grand Army meeting in Detroit, or substantially that?—A. No, sir.

Q. Did you have a conversation with anybody in this city of that kind with respect to that?—A. No, sir; not with reference to that investigation.

Q. In regard to getting copies?—A. No, sir.

Mr. ENLOE. I object to that question. You need not answer that question if you do not want to.

Judge PAYSON. Why not?

Mr. ENLOE. You must specify some particular person.

The WITNESS. Not in relation to those reports.

By Judge PAYSON:

Q. Did you say in substance that we are going to get at him, and that the Secretary was behind us?—A. No, sir; never mentioned the Secretary.

Q. Did you say, we are going to get at him?—A. No, sir.

Q. You didn't say, we are going to get at him?—A. No, sir; I did not.

Q. Say anything in substance that——?—A. Not to any——

Q. (Interrupting). Do you know Mr. Forman, a member of Congress from Illinois?—A. I do.

Q. Did you have a conversation with him in relation to that matter?—A. No, sir.

Q. At Willard's Hotel?—A. No, sir; not with him, and I——

Q. (Interrupting). Never made any inquiry of anybody not very long before the meeting of the Grand Army as to where you could secure a lot of the reports of the investigation made during the last Congress, that you might distribute them at Detroit?—A. No, sir; I will tell you what I did say.

Q. You may do so.—A. What I did say was this, and I will tell you who was present and how this came about. It is the person who is known as the "newspaper clerk of the House," Mr. Moeller. What I did say was, that it would be a good thing for 8 or 10 men who were members of the Grand Army to make a statement and sign it, and have it printed, send it to Detroit, and scatter it among the comrades there to show them the kind of a man Mr. Raum was; that is what I said.

Q. If you hadn't any feeling against Gen. Raum, what did you want to do that for?—A. It depends upon what you mean by feeling, and in that connection I will state this: When Gen. Raum discharged me from the Pension Office and said he would not take me back, I said, "All right." That was in his official place, and I claim he had that right, but when Gen. Raum followed me outside of the Pension Office, and at the instigation of some other person indorsed what is shown to be a falsehood on the papers to prevent me from getting work in another place clean outside of his jurisdiction, then of course I feel the same toward Gen. Raum as you would feel toward a man that would interfere with your private business.

Q. Do you remember writing a letter to Gen. Raum, January 30, 1892?—A. I do, and it is in evidence here.

Q. I quote from your letter, which is on page 587 of the printed record:

You need not be surprised when I tell you that I have it direct from the principal correspondent of a leading daily paper that he has now and for some time in his employ clerks in your Bureau engaged in collecting from the files and otherwise matters for an extensive publication relating to matters in the Bureau, to be issued immediately prior to the holding of the State conventions for election of delegates to the National Republican Convention. I intend also to give the honorable Secretary of the Interior some information in relation to the rejection of claims in violation of his express orders, at an early day myself, which will convince him and his Excellency the President that the information you claim to have acted upon was false.

Very respectfully,

T. R. FAWCETT.

Q. What is the name of that principal correspondent?—A. I refuse to tell it.

Q. Why?—A. Because I don't think it is necessary for the purpose of this investigation.

Q. Is that your business, or the business of this committee?—A. I leave it to the committee.

Judge PAYSON. I submit that to the committee, then. Here is a charge that a man outside of the Pension Office has men in his employ who are in the Bureau and engaged in getting information against the Bureau to be used in a political way in a national convention.

The WITNESS. It was told to me in confidence.

The CHAIRMAN. It seems to me, Judge, on first glance, that it is a collateral matter and not that we are entitled to try. It strikes me that it is rather extending the work of the committee.

(After hearing arguments the Chair said:)

Let me ask you to take this course, then. Let the committee take this under consideration and take time to examine this letter and see what his testimony is and then come to some decision in reference to this question.

(After hearing suggestion of the chairman the committee decided to defer decision at present and let the matter rest and decide it in executive session.)

(Last question read by reporter.)

By Judge PAYSON:

Q. You remember writing this letter?—A. I certainly do.

Q. Are the statements contained in it to General Raum true in that respect?—A. You have got the letter.

Q. Are the statements true?—A. You have got the letter.

Q. Did you have any conversation with such a correspondent?—A. I did; but I refuse to answer the question as to whom it was.

Q. Did you have such a conversation as you have referred to in substance with a man who was the principal correspondent of a leading daily paper?—A. I did.

Q. When did it occur?—A. That I refuse to answer unless the other party is willing.

Q. Where did it occur?—A. Here in Washington.

Q. About how long prior to the date of this letter?—A. I couldn't give you the date.

Q. About how long. This letter was written in January, 1892?—A. Probably six months before that.

Q. Where did it occur?—A. At his office.

Q. You were dismissed on the 30th of June, were you not, 1891?—A. Yes, sir.

Q. How long after your dismissal when it occurred?—A. It must have been three months, two or three months.

Q. Then it was not six months prior to January?—A. No, sir; two or three months after I was dismissed.

Q. What was the name of that correspondent?—A. I refuse to answer.

Mr. LIND. Let a member of the committee put that question.

Mr. LIND (to Mr. Brosius). Mr. Brosius, will you put that question?

Judge PAYSON. So that it will be official.

Mr. LIND. Yes, sir.

By Mr. BROSIUS:

Q. Do I understand you to say, Mr. Fawcett, that you had a conversation with the principal correspondent of a leading daily paper in regard to clerks furnishing information, clerks in the Pension Bureau furnishing information to newspapers in regard to the conduct of the Pension Bureau?—A. Now, I will do this——

Q. (Interrupting.) One moment, please.—A. Yes, sir; I had a conversation.

Q. You had a conversation in relation to that subject?—A. Yes, sir.

Q. Such a conversation as you narrated in your letter to Mr. Raum?—A. Something of that substance.

Q. Substantially that conversation?—A. Yes, sir; that they were getting information in that way.

Q.—Did that correspondent say to you in that conversation that he had then, at that time, and had had for some time previous, in his employment clerks in the Pension Bureau engaged in collecting from the files of the Bureau otherwise matters for an extensive publication relating to the business of the Bureau?—A. Now, I will give you the substance of the conversation.

Q. Please answer that question, because I am quoting from your letter.—A. I could not say that was the conversation. I will give you the substance of the conversation now, if you want it.

Q. Have I repeated the substance of the conversation?—A. I inferred it in that way, but that was not the substantial conversation. I say I will give you the exact conversation as near as I can recollect it.

Q. You say this that I have read to you is not the substantial conversation?—A. That is the inference I drew from the conversation. I will give you the conversation.

Q. This is either the substance of the conversation or it is not, which one is it?—A. It is the conversation in substance.

Q. Then it is substantially the conversation?—A. I don't say it is correct, by any means.

Q. Then you don't say that the statement which your letter to Gen. Raum contains of January 30, 1892, is correct?—A. I say that it is substantially correct.

Q. And that conversation took place in the city of Washington?—A. Yes, sir.

Q. Was that correspondent to whom you refer a gentleman connected in any way with the administration of justice?—A. Never connected with the Government at all.

Q. That you know of?—A. No, sir.

Q. He was a private gentleman having a conversation with you?—A. Yes, sir.

Q. Did he name any of the clerks in the Department in his employ?—A. He did not, and I did not ask him.

Q. Did you know the gentleman, the correspondent?—A. I had met him and talked with him several times.

Q. Did you know his name?—A. No, sir; I have forgotten his name. I did know his name, but I can not now recall it; but I can get his name.

Q. Do you know what leading paper he represented?—A. I do.

Q. What is the paper?—A. With all due respect to the committee, I decline to answer. The conversation was given to me confidentially, and I decline to answer that.

Q. Can you refresh your memory so as to recall the name of the correspondent?—A. I can, but I decline to answer.

JUDGE PAYSON. Was it any gentleman who was in this room during this investigation?

A. No, sir.

Mr. BROSIUS. Then you decline to give this committee the name of the correspondent to which you refer, and the name of the paper for which he was the correspondent?

A. With all due respect to the committee, I do, unless they are investigating the paper. If you get a resolution through the House to investigate that paper, and it is all right, I will give the name.

The CHAIRMAN. Are you holding a public office now?—A. No, sir; I am not.

Mr. BROSIUS. Mr. Chairman, it might not be desirable for us to determine a question of this importance in passing it, and therefore the suggestion that has already been made by some member of the committee that it be passed for the present I think is a good one.

The CHAIRMAN. That was my suggestion.

Mr. BROSIUS. Then I think it can be determined at some future meeting of the committee.

The WITNESS. I refuse to answer that question on the same ground that the correspondent who appeared before this committee refused, and when they testify to the facts I will do the same.

By Judge PAYSON:

Q. Is that newspaper one of general circulation?—A. Yes, sir; it is.

Q. What city is it published in?—A. I decline to answer.

Q. What State is it published in?—A. That I decline to answer.

Q. Why?—A. Because it is a part of the same thing.

Q. What do you mean?—A. You think you will get the question answered in getting around it in that way.

Q. And that you don't intend to answer.—A. Yes, sir; that is true.

Q. Is not the ground on which you decline to answer the fact that it did not occur at all?—A. No, sir; and I want you to understand I want no such insinuations at all.

Q. Why not?—A. Because I won't stand it; it is not right.

Q. All right, then; is not the ground of your refusal because you are afraid if it is followed up it will be found it was not true?—A. No, sir.

Judge PAYSON. I want you to understand you can't intimidate me at all, Mr. Fawcett.

A. I am not trying to do it. You must understand you can't intimidate me either.

Q. The first real grievance you had agianst General Raum was the reduction in your salary from $1,400 to $1,200 in March, 1890?—A. Yes, sir; that is the first.

Q. Without recurring to your testimony, as I recollect the substance of it, you attributed it to the fact that you had in some way interfered, as you thought the Commissioner suspected you had, in a fee agreement with John Raum?—A. I say the coincidence led me to think so.

Q. Is that your judgment?—A. It is an inference I drew from the coincidence.

Q. Is that your judgment?—A. It is an inference from the coincidence.

Q. Is that your judgment?—A. I leave the committee to form their own judgment on the facts.

Q. Have you any judgment to-day as to what the cause of your reduction from $1,400 to $1,200 in March, 1890, was?—A. I stated the coincidence here for the committee to draw their judgment. I am not the committee.

Judge PAYSON. Mr. Palmer, read the question.

(Question read by reporter.)

A. I have stated the facts and the committee can draw their own conclusions.

Q. Don't you know you were reduced from $1,400 to $1,200 on the recommendation of the chief of your division?—A. I know there is nothing in Mr. Raum's letter of recommendation.

Q. That is not what I asked you.—A. I do not.

Judge PAYSON. Mr. Chairman, at this point I offer this letter.

The WITNESS. I never did know.

Q. Do you know W. N. Reynolds?—A. Yes, sir; I know the gentleman very well.

Q. Was he the chief of your division on February 27, 1890?—A. Yes, sir.

Judge PAYSON. I will read this letter:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.
Washington, D. C., February 27, 1890.

Hon. GREEN B. RAUM,
Commissioner:

SIR: I beg to invite your attention to the case of Mr. Thomas R. Fawcett, a clerk of class 2. Mr. Fawcett was appointed as a special examiner August 15, 1885.

Judge PAYSON (interrupting the reading of this letter). Are you the Thomas R. Fawcett stated in this letter?

A. Ask the writer of the letter.

Q. Your name is Thomas R. Fawcett, isn't it?—A. Yes, sir.

Q. And you were in class 2 at that time?—A. That is true.

Judge PAYSON (continuing reading of letter):

For his standing while representing the Bureau as a special examiner I would refer you to the records of the special examination division.

Mr. Fawcett was assigned to this division November 8, 1887, was discharged May 31, 1889, and was reinstated and reassigned to this division August 10, 1889. During the time he has been employed in this division he has not manifested a degree of efficiency such as will warrant his retention at his present salary. There are, in this division, at least 20 clerks of class 1 and half as many more receiving still smaller salaries. I therefore recommend that his salary be reduced one grade at least.

Very respectfully,

W. N. REYNOLDS,
Chief Middle Division.

The letter was received in evidence here.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., February 27, 1890.

Hon. GREEN B. RAUM,
Commissioner.

SIR: I beg to invite your attention to the case of Mr. Thomas R. Fawcett, a clerk of class 2. Mr. Fawcett was appointed as a special examiner August 15, 1885. For his standing while representing the Bureau as a special examiner, I would refer you to the records of the special examination division.

Mr. Fawcett was assigned to this division November 8, 1887, was discharged May 31, 1889, and was reinstated and reassigned to this division August 10, 1889. During the time he has been employed in this division he has not manifested a degree of efficiency such as will warrant his retention at his present salary. There are in this division at least 20 clerks of class 1, and half as many more who are receiving still smaller salaries, all of whom are more competent than Mr. Fawcett. I therefore recommend that his salary be reduced one grade at least.

Very respectfully,

W. N. REYNOLDS,
Chief Middle Division.

Judge PAYSON. In that connection I also offer in evidence the letter of the Commissioner of Pensions following up that recommendation, and recommending the reduction of Mr. Fawcett, letter of March 5 of the Commissioner of Pensions in connection with that:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, March 5, 1890.

SIR: For the good of the service I have the honor to recommend the reduction of Thomas R. Fawcett, of Illinois, from a clerkship of class 2 to one of class 1, to take effect the 10th instant, vice George Barber, reduced.

Very respectfully,

GREEN B. RAUM,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Q. You stated, I think, in a general way, here that your residence had been in Washington during the time you have been connected with the Pension Office. During that time you have resided temporarily in other places, haven't you?—A. I have.

Q. Do you remember an occasion about March, 1886, when you were temporarily residing in Johnstown, Pa?—A. I never stated that. I never resided there.

Q. Were you there about March, 1886?—A. I can not tell that, because I was there off and on so often.

Q. I am referring to the particular instance when you resided a part of the time in the jail as a criminal?—A. I never spent any part of my time in jail as a criminal.

Q. Did you spend any time in the jail there?—A. Because I would not submit to a case of blackmail. I was never in jail; I was at the court house.

Q. Were you not arrested by some of the police force of that city charged with drunkenness and consorting with a prostitute on the streets?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. Were you not first charged with being drunk and disorderly?—A. No, sir.

Q. Were you not charged with being in company with a variety actress on the streets?—A. There was a charge put against me while there that I was drinking.

Q. Do you swear to this committee that you were not arrested there?—A. I said I was arrested.

Q. By the police authorities of Johnstown?—A. By a policeman.

Q. In connection with your arrest, was there not a variety actress concerned either directly or indirectly?—A. Not that I know of. I had nothing to do with any variety actress, and there wasn't anything said about such a thing at the time either.

Q. You were confined at that time?—A. I was at the market house about six hours, if you call that confinement.

Q. You were confined at the time?—A. You can call it confinement, just as you are a mind to. They arrested me and wanted me to give bail, and I wouldn't do it; and they wanted me to put up some money, and I wouldn't do it. I wouldn't give bond, and I wouldn't give them any money. I wouldn't be bulldozed, the same as I am with you, judge.

Mr. DUNGAN: It seems to me this is an unusual way to discredit a witness.

Judge PAYSON. I will have the record from the Department, showing all this sort of business and will offer it in evidence.

The CHAIRMAIN. You must bear in mind all the time that this is a collateral issue, and should be within reasonable discretion and limit, and certainly should be confined to that.

By Judge PAYSON:

Q. Were you not dismissed on whatever charges grew out of that episode?—A. You have got the record.

Q. I ask you the question.

The CHAIRMAN. Mr. Fawcett, please answer the question.

A. Yes, sir; I was dismissed.

Judge PAYSON. Why didn't you answer that before?—A. Because you saidyou had a record of it.

The CHAIRMAN. Mr. Fawcett, I want you to treat Judge Payson with courtesy, and if you do I am sure he will treat you so. It is due to you and him and this committee that this matter proceed quietly and without confusion.

Judge PAYSON. I offer this man's discharge in evidence, dated March 22, 1886.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, March 22, 1886.

SIR: I have the honor to recommend, most respectfully, that the services of Mr. Thomas R. Fawcett, as a special examiner of this Office, be dispensed with from and after the 31st instant, and that he be granted leave until that date.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

Judge PAYSON. And I say to the committee, in fairness to Mr. Fawcett, that I have in my hands what purports to be an official report; what purports to be an examination made by A. S. Coleman, in regard to Mr. Fawcett's conduct, and I will offer that in evidence.

WASHINGTON, D. C., *May 1st, 1886.*

Mr. THOS. R. FAWCETT,
Special Examiner, present:

SIR: Having been reinstated, you are hereby returned to duty in Pennsylvania, with your headquarters, as before, at Altoona. You will call on Special Examiner C. W. Kirkpatrick and obtain from him all the cases now in his hands for examination in Blair and Cambria Co's. Your permanent post-office address will be Altoona, Pa.

In submitting the report of the investigation of the charges against you to the Hon. Commissioner, I recommended your reinstatement because the evidence did not convince me that you had been guilty of the charges to an extent to warrant your dismissal.

My indorsement on the report is as follows:

"After a careful review of the testimony herein, and consideration of Mr. Fawcett's sworn reply, I am of the opinion that the charges are not sustained. Mr. Fawcett has the natural and unfortunate habit of talking very loud, which might be taken by strangers as being the result of liquor. His face is naturally red or flushed. This natural color, heightened by the wind after a long drive, might easily have given the impression that he had been drinking.

"I also notice that he has a natural awkward gait, which might also lead a person not acquainted with him to think he had been drinking. The evidence in my opinion clearly disproves the charges of intimacy and drinking with the actress at the hotel in Johnstown, Pa., and that affair is simmered down to loud and boisterous talk on the street, for which he was arrested and fined, and he was doubtless aggravated to this by the landlord.

"The charges of drinking to excess in Altoona are not proven, and I believe the parties were mistaken.

"Mr. Fawcett admits the fact of occasionally taking a drink, but denies using liquor to excess, and I believe his peculiarities above mentioned led those who testify to excessive use of liquor into the mistaken belief that he was under its influence.

"In view of all the facts I recommend his reinstatement."

Very respectfully,

A. S. COLEMAN,
Chief S. E. D.

Q. Were you not also dismissed by Commissioner Tanner about the 20th of May, 1889?—A. I was.

Judge PAYSON. I also offer, in connection with the action of the Commissioner, the following report, made by Theodore Smith as the acting chief of the southeastern division, of the same date, May 20, 1889. I quote from that the language which was used by the witness in a report he made on the pension claim of J. D. Tetwiler:

Dr. Hayes can not remember any individual treatment. He can not call to memory, as he turned over his books to Gen. Banks' surgeon, as he says, and history shows Gen. Jackson captured all the records; and while it is a pity it's true, it's true it's a pity he did not capture Banks, but he did not.

The CHAIRMAN. That is all in evidence.

Judge PAYSON. I want it in consecutively.

By Judge PAYSON:

Q. The Gen. Jackson referred to in this extract from your report was the rebel Jackson.—A. I believe it was.

Q. What Jackson was it?—A. The doctor said Stonewall Jackson. I said it is a pity he did not capture Gen. Banks, as it would be better for thousand of pensioners. If you will read the record you will find that that is very much garbled by Theodore Smith.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., May 20, 1889.

SIR: For the good of the service, I respectfully recommend that the services of Mr. Thomas R. Fawcett, as a clerk of Class 2 in this Bureau, be dispensed with from and after the 31st instant.

Very respectfully,

JAMES TANNER,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., May 20, 1889.

SIR: Referring to Thomas R. Fawcett, formerly a special examiner, now a clerk of Class 2, employed in the Middle Division, I would say that, while connected with this division, he acquired an unsavory reputation.

My attention this morning has been called to the report made by him in the claim of Jacob D. Tetwiler, Certificate No. 342242, in which he uses the following language: "Dr. Hayes can not remember any individual treatment. He can not call to memory as he turned over his books to Gen. Banks' surgeon, as he says, and history shows Gen. Jackson captured all the records; and while it is a pity it's true, it's true it's a pity he did not capture Banks; but he did not."

I submit this for your consideration.

Very respectfully,

THEO. SMITH,
Acting Chief S. E. Division.

The COMMISSIONER OF PENSIONS.

Q. How did you get back to the service?—A. I was reinstated by Mr. Tanner.

Q. Was it on the letter written by your wife?—A. I never asked him. He reinstated me, and that is all I know.

Q. Don't you know your wife wrote him a letter? Didn't she write the letter on June 18, 1889, and it has indorsed on the back of it—

MADAM: I will reappoint your husband, and trust to you to see to it that he conducts himself properly in the future.

Let him call on me between 10 and 2 to-morrow.

Respectfully, yours,

JAMES TANNER,
Commissioner.

The CHAIRMAN. Those matters are all in evidence.

Judge PAYSON. I wish to have them go in in their order, and I offer this letter of June 18:

1100 9TH, NW., WASHINGTON, *June 18.*

To the COMMISSIONER:
(Through Mrs. Tanner.)

SIR: My husband has just returned from your office. He seems to have failed in getting justice done him. I now appeal to you. I was with my husband in Penna. through all his trouble. I went secretly to parties concerned and found the charges maliciousness in the main, and though he was arrested—a man crazy with liquor will arrest anyone, and are as likely to take the wrong as the right man, and admitting the charge for argument—has Mr. Fawcett anything against him as a gentleman or his work in the office since coming here? Does his army record stand against him, rather than for him? Will you not give me a hearing in the evening of any day to suit yourself? I buried a young husband in '63, and spent my time during his sickness in a hospital at Louisville with other ladies. Married Mr. F. in '66, and have had as happy a home as most women; but the war made more havoc with young men than the bullets. My husband is trying to live a Christian—is doing missionary work in many ways—as our rector, "Dr. Elliott," of Ascension P. E. Church, can testify.

The loss of our only boy at 17 years has nearly cost him his life. His health is poor and he is not getting a pension. I know he has been true to the work, as I think his chief can testify.

Be kind enough to let me come to your rooms for an interview, and may God bless and keep you from just such underhand work is my prayer.

Very respectfully,

Mrs. T. R. FAWCETT.

I can bear to hear all and anything.

18TH JUNE, 1889—9 P. M.

MADAM: I will reappoint your husband and trust to you to see to it that he conducts himself properly in the future.

Let him call on me between 10 and 2 to-morrow.

Respectfully, yours,

JAMES TANNER,
Comm'r.

Q. Do you remember of writing a letter to the President of the United States on the 11th of July, 1891?—A. I wrote a letter to the President, giving the reason for my discharge.

Q. My dear sir, as a lawyer, can you not answer my specific question yes or no?—A. Yes, sir.

Q. Did you, on or about the 11th day of July, 1891, write a letter addressed to his excellency the President of the United States?—A. I believe I did.

Q. Do you remember the substance of that letter or not?—A. You have got the letter.

Q. Do you remember it?—A. No, sir.

Q. Have you ever had the experience of being the victim of a clique in office?—A. Yes, sir.

Q. How do you like it?—A. So far as the clique was concerned, I did not mind it, but when the Commissioner entered into it it made a difference.

Q. How did you like being under the persecution of a clique?—A. I didn't like it at all.

Q. You just referred in your last answer to the Commissioner taking a part in it, what Commissioner do you refer to, Gen. Raum?—A. Yes, sir; I refer to him.

Q. If you referred to a clique in your letter to the President of the United States, had Gen. Raum anything to do with that clique?—A. Yes, sir; with the continuation of that clique. Mr. Theodore Smith was one of them.

Q. "I was appointed by Gen. Black in 1885 as a special examiner, and before I was one month on duty a clique then in charge of that division began to make charges against me which they thought should be good grounds for dismissal from the public service at that time."

Q. Was Gen. Raum connected with that clique?—A. If he has discharged me at the instigation of Theodore Smith, I say he is, because Smith was one of that crowd.

Judge PAYSON. I will put that letter in. I will put all of these letters in that are attached together here.

WASHINGTON, D. C., *July 11, 1891.*

To His Excellency the PRESIDENT OF THE UNITED STATES:

SIR: Referring to the inclosed letter dismissing me from the pension service, and requesting your interference in the matter, I wish to state the following facts in connection therewith. I was appointed by Gen'l. Black in 1885, as a special examiner, and *before I was one month on duty a clique, then in charge of* that division, *began to make charges against me for* one thing or another, amongst which, and what seemed to them to be the most heinous, was the fact that I was a Protestant and an Irishman, which they thought should be good ground for dismissal from the public service at that time. That not being sufficient the same men preferred charges of neglect of duty; those charges were investigated by order of Gen'l. Black and proven to be false on testimony taken by one of their number. When Mr. Tanner came into office the same set of men led by a man named Theo. Smith, since discharged from the Bureau because of being a deserter from the Army, preferred the same old charges and had me dismissed from the Pension Bureau; but Mr. Tanner, after he investigated the matter, reinstated me. Not content, however, this same Smith has kept on until he has obtained the inclosed result.

I have served two years during the war in the 16th Mass. Vols. in the 3rd and 2nd

Corps Army of the Potomac. My wife was, when I married her in 1866, the widow of a soldier of the 75th Ill. Vols., who died in the service. The records of the office will show that I have done as much and as good work at a salary of $1,200 as other clerks who are receiving $1,400 and $1,600. I have never applied for a pension nor do I intend to do so as long as I can earn a living at any kind of work or business. I make this appeal to you believing I will get justice from you, and that is all I ask.

Very respectfully,

THOS. R. FAWCETT,
505 L st. NW.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., July 11, 1889.

The Honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to recommend the reinstatement, as a clerk of class 2, of Thomas R. Fawcett, of Ill., who was dismissed upon my recommendation of May 20, 1889.

Very respectfully,

JAMES TANNER,
Commissioner.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., July 19, 1889.

The Hon. SECRETARY OF THE INTERIOR:

SIR: In response to the endorsement on the enclosed communication from this Bureau, requesting statement concerning the cause of dismissal of Thomas R. Fawcett, of Illinois, I would state that I recommended his dismissal on account of the receipt of the following letter:

"The Hon. COMMISSIONER OF PENSIONS:

SIR: Referring to Thomas R. Fawcett, formerly a special examiner, now a clerk of class two, employed in the Middle Division, I would say that, while connected with this division, he acquired an unsavory reputation.

"My attention this morning has been called to the report made by him in the claim of Jacob D. Tetwiler, Cert. No. 342,242, in which he uses the following language: 'Dr. Hayes can not remember any individual treatment. He can not call to memory as he turned over his books to Gen. Banks's surgeon, as he says, and history shows Gen. Jackson captured all the records; and while it is a pity it's true, its true it's a pity he did not capture Banks, but he did not.'

I submit this for your consideration."

Very respectfully,

THEO. SMITH,
Acting Chief, S. E. D.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, July 31, 1889.

Respectfully returned to the Hon. Secretary of the Interior, with the statement that I know of no reason now existing against the employment of Mr. Fawcett in this Bureau.

JAMES TANNER,
Commissioner.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 20, 1891.

To the honorable the SECRETARY OF THE INTERIOR:

SIR: I respectfully recommend that Thomas R. Fawcett, of Illinois, a clerk of class one in this Bureau, be retired from the public service from and after June 30th, 1891, for the reason that he is not well disposed to a successful administration of the Bureau of Pensions under the present administration.

Very respectfully,

GREEN C. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, June 25, 1891.

MR. THOMAS R. FAWCETT,
Present:

SIR: On the recommendation of the Commissioner your services as a clerk of Class One in the Pension Office are hereby dispensed with from and after June 30, 1891.

Respectfully,

GEO. CHANDLER,
Acting Secretary.

Through the Commissioner of Pensions.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., Aug. 24, 1891.

Respectfully returned to the Hon. Secretary of the Interior with the information that the last dismissal of Mr. Fawcett was due to his misconduct and insubordination, while his two previous dismissals were, upon report of his immediate superiors, for delinquency and inefficiency. Under these circumstances, I do not feel justified in recommending his reinstatement in the service.

GREEN B. RAUM,
Commissioner.

The WITNESS. That was one of the principal charges made to Gen. Black—because I was an Irishman and a Protestant I couldn't give the Catholic claimants justice.

By Mr. BROSIUS:

Q. I would like to know at this point—you refer in that letter to a specific clique?—A. Yes, sir.

Q. Existing at that time?—A. Yes, sir.

Q. Was Mr. Raum at that time one of the gentlemen who constituted the clique to which you refer in that letter?—A. No, sir; not at that time, but Theodore Smith was.

By Judge PAYSON:

Q. I want to get before this committee what character of information did this principal tell you he was getting from clerks in the Bureau?—A. He did not tell me what character.

Q. Did he tell you generally?—A. No, sir. He merely said he was getting information from there for publication.

Q. For what purpose?—A. For publication.

Q. With any particular end in view?—A. He talked as though there was.

Q. To what end?—A. The matter came up in relation to the fact whether this present Congress would investigate the Pension Office again. I said I didn't believe they would. He said "I don't care whether they will or not." He said, "If they don't, I will have information from which I can make an extended publication that will have the same effect."

Q. The same effect as what?—A. The same effect as this investigation would.

Q. He was going to have it out in time for the national convention?—A. That was the substance of it.

Q. That is, in substance, to injure the Republican party?—A. I can't say.

By Mr. LIND:

Q. You mean for political effect?—A. Yes, sir.

By Judge PAYSON:

Q. What do you mean then by saying immediately prior to the holding of the State conventions, etc., if it was not political?—A. I don't know what his idea was.

Q. What was your idea?—A. I didn't have any idea about it.

Q. When you wrote this letter you didn't have any idea?—A. I didn't draw any conclusions.

Q. Didn't you say it was to be immediately prior to the State conventions,and in time to have it ready before the national convention?—A. That is what I understood was his object.

Q. What made you think that, if he didn't say anything about political matters?—A. I have stated it all to you.

Q. Did he say how many clerks he had?—A. No, sir; he did not.

Q. Did he say whether he had them under pay?—A. No, sir; he did not.

Q. What do you mean by that, then, when you say he had in his employ clerks in the Pension Bureau?—A. He said he had men in there.

Q. You put the employment to it?—A. I concluded in his employment.

Q. Did he tell you he had them in his employ?—A. No, sir; I drew my own conclusion on that.

Q. How much of this letter is conclusion on your part and how much of it is fact?—A. That is about the only conclusion I drew. I concluded the men were not working for nothing.

Q. What do you mean by your expression in this letter, that you intended to give the Secretary some information?—A. I meant in relation to claims about which I testified before in regard to the Secretary's order issued in December, 1890, in reference to claimants where no attorneys had been employed to be taken up and given special attention, that there was a lot of those claims rejected without ever giving the claimants a status of the claim, which was in direct violation of the order.

Q. What officers of the Bureau made the rejection?—A. The examiners working on the claims stated they got the order from the assistant chief of division.

Q. What was his name?—A. His name was Watt.

Q. Did you ever inform the Commissioner of this prior to this investigation?—A. No, sir; I did not. Nor informed anybody else about it, not even the newspaper correspondent.

Q. You tried to perform your duties dilligently and faithfully?—A. I did, sir.

Q. And familiarized yourself with the laws and regulations and orders and decisions?—A. Yes, sir.

Q. Endeavored faithfully to carry out that part of it?—A. Yes, sir; I did.

Q. When cases were drawn from the files for your use as an examiner they would be brought to you from day to day from the chief of the files of the division, wouldn't they, in regular order?—A. Yes, sir.

Q. If the case was improperly brought to your desk, and you found it should not have been brought there, would you send it back to the files?—A. Yes, sir; if it didn't belong to me, I would.

Q. You would not go on, knowing the case was improperly drawn and retain it and go over the case just as though it was rightfully on your desk in the regular order?—A. Not if the examiner was present.

Q. If the case was improperly on your desk, do you say you would

go on?—A. I don't know how it would get on my desk. I can't imagine unless it belonged to another examiner.

Q. You said in your testimony something about a good many old cases being brought to your desk that had been rejected years and years before.—A. Yes, sir.

Q. In which Mr. Lemon was the attorney?—A. Yes, sir.

Q. You stated that they came in in regular order.—A. Yes, sir; they came on the completed files slip in regular order. There are certain examiners sometimes transferred to other divisions, or sent out in the field, and their cases are untouched as long as the examiners present, as long as their claims hold out, then when they are out of claims and these other examiners are gone, their claims are taken and distributed around among the examiners present, and in that way claims that have lain a long time while men are in the field or may be discharged, their claims would lay there until another examiner run short of work, then he goes to the chief of the files and he gives them those claims, and in that way those claims came to my desk. Those examiners are either gone from the office entirely or are out in the field, they are not in the division. And of course the cases are brought to the examiners and divided up among the examiners present.

Q. Now don't you know that these two orders provided that they should not apply to rejected claims?—A. Well, no, there was no exception that I could see in the order.

Q. Didn't the orders provide on the face of them that they did not require rejected claims to go on the completed files?—A. No, sir; not that I recollect.

Q. Did you say on your former examination that you would sometimes spend a whole day on cases to inform Mr. Lemon that the case was rejected?—A. Yes, sir.

Q. Can you give any rule in the office under the completed files system why it is necessary to advise the attorney that his case is deficient?—A. There is no rule to apply to that. The cases are brought to your desk, and the case may have been examined by six or eight or ten examiners. This case comes to you with a completed files slip. In order that the attorney may be duly advised of the reasons of the rejection, and all of that, you have got to go through all the testimony, lay and medical, before you can tell him intelligently, unless you want to take some other man's word for it of what the case shows or what the papers in the case show. Every examiner goes through the case for himself. There are no two who will look at a case in the same way, the same as with lawyers in trying a case. Therefore, it is the rule for examiners to go through the case entirely in order that they can get a good and sufficient judgment in regard to the case.

Q. These cases, then, were placed on the completed files under the attorney's slip?—A. Yes, sir.

Q. Don't you know that Order 151, about which we have talked so much here, that the paragraph in that order reads as follows? The last paragraph in that order reads like this: "This order does not apply to rejected cases." Did you know that?—A. No, sir.

Q. Is this the first time your attention was called to that fact?—A. Yes, sir; this is the first time I ever knew that.

Q. Now Order 155; do you remember that?—A. No, sir.

Q. It is the order in which claimants are authorized to put their cases on a completed file.—A. Yes, sir; I remember it now.

Q. If the last paragraph of that order reads this way, "this order will not apply to rejected cases," that is the first time your attention

was called to that?—A. Yes, sir; that was the first time my attention was called to it.

Q. Then what you said a moment ago about familiarizing yourself with all the orders of the Pension Office, you did not familiarize yourself enough with those orders to know that those orders did not apply to rejected cases, if they did not apply to rejected cases, did you?—A. No, sir. Every case that came to me I went through it.

Q. Whether it complied with the order or not?—A. Yes, sir.

Q. Don't you think it would have been a pretty good thing to keep up with the order?—A. It is an utter impossibility for a man to keep up with the orders, because there are orders every day.

Q. Do you mean to tell this committee that there were orders in December, 1890, January and February, 1891, every day?—A. I couldn't tell.

Q. Do you know of any other order except those three orders, 149, 151, and 155, that related to the adjudication of cases within three months from the time Gen. Raum was connected with the office?—A. I don't know of any now. I do not think of any. I might be able to tell by going through the orders.

Q. You don't know of any now?—A. No, sir; I don't know what has happened.

Q. How many orders and rulings in regard to the business in the Pension Office do you think have been promulgated since Mr. Tanner took charge down to the present day?—A. I don't know, sir.

Q. How many do you think? All orders issued there in relation to the adjudication of claims, how many do you think?—A. Judging from the way they came in at one time—well, I couldn't answer that question.

Q. About how many do you think?—A. I haven't been there for over a year.

Q. How many do you think?—A. I should judge we had an order every week and maybe twice a week in relation to the adjudication of claims.

Q. You don't know of any general orders except these three?—A. They are not all general orders.

Q. You don't know of any except these three?—A. No, sir; I don't know; I don't recollect of any general orders; they were orders in relation to the adjudication of claims.

Q. I will ask you now to look at this order, No. 151, and read the last line. "This order does not apply to rejected cases." If that order was in force at that time Lemon's cases on your desk were there improperly?—A. Yes, sir; but I was not to blame for that. The chief of the files was to blame for that.

Q. You never called Gen. Raum's attention to that?—A. No, sir. I never talked with——

Q. You did not call his attention to that?—A. No, sir.

Mr. BROSIUS. You were not aware that they were there improperly at the time?—A. No, sir.

Judge PAYSON. You had not read this order?—A. No, sir, I don't believe I had.

Judge PAYSON. I believe that is all, saving the question of this newspaper correspondent.

Mr. LIND. In view of what you said a moment ago, in your judgment, is it reasonable or posssible for anyone to have knowledge of the uniformity of decisions in the Pension Office?—A. It is impossible.

That is all.

TESTIMONY OF E. G. RATHBONE.

E. G. RATHBONE, being duly sworn, testified as follows:

By Judge PAYSON:

Q. What official position do you hold?—A. Fourth Assistant Postmaster-General.

Q. Prior to your going into that position, what position did you occupy in the public service?—A. Chief of the post-office inspectors.

Q. In connection with that position did you have occasion to look after the matters of appointment of post-office inspectors?—A. Yes, sir.

Q. Do you know Francis M. Taylor?—A. Yes, sir.

Q. Did he come, along in the summer or fall of 1891, and make any application for appointment as post-office inspector under you?—A. I can not give the date, but he asked to be transferred from a pension examiner to the position of post-office inspector.

Q. In connection with that application did you cause an investigation to be made in relation to his character in Illinois?—A. Yes, sir.

Q. Do you remember the circumstances of furnishing Mr. Lineaweaver a statement by J. F. La Tournay and another by J. T. Willoughby in connection with Mr. Taylor?—A. I remember of giving him a copy of the report. I suppose these are correct. [Examining printed report.]

Q. Assuming these are the papers, do you say you furnished them?—A. Yes, sir.

Q. You may state whether or not you favorably entertained Mr. Taylor's application for a transfer after you learned what you did from this report?—A. No, sir.

The CHAIRMAN. I would like to ask you a few questions.

Q. Have you got the original of these papers here?—A. Yes, sir.

Mr. DUNGAN. Those are the originals you have there?—A. Yes, sir.

The CHAIRMAN. These are the originals?—A. I think they are. I have not compared them with these, but I think these are copies.

Q. What time was this filed in your office?—A. Well, the letter of transmittal is dated August 10, 1891.

Q. Does that letter of transmittal identify these affidavits?—A. I think so.

Q. Let me see it. [Hands papers to the chairman.]

The WITNESS. I might add, if you will permit me, that there is a letter upon which the copies of the two affidavits in question were furnished to Commissioner Raum. He made a formal application to the Postmaster-General for copies of them.

Judge PAYSON. I will put this in evidence. I have never seen it before:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 21, 1891.

Hon. JOHN WANAMAKER,
Postmaster-General:

MY DEAR SIR: I have been reliably informed that the inspectors of your Department have been making an inquiry relative to the character and standing of one Francis M. Taylor, and among those who have been interviewed by the inspector are J. W. Willoughby and one Mr. Le Tourney.

If consistent with the rules of your Department I would be pleased to have copies of the letter of Mr. Willoughby and Mr. Le Tourney.

Very truly, yours,

GREEN B. RAUM,
Commissioner.

(Memoranda.)—Copies made and sent October 21, 1891.—Fourth assistant.

Q. This memoranda relates to the furnishing of these copies to Mr. Lineaweaver in compliance with this letter?—A. Yes, sir.

By the CHAIRMAN:

Q. When was your attention first called to this? Did you have these papers yourself in the office?—A. No, sir; they were sent to me; I was chief inspector at that time.

Q. Did you file them in the Post-Office Department?—A. They were in my private file.

Q. Not in the public file, sir?—A. No, sir. I was not chief inspector at that time; I am mistaken about that at the time the report was made. I had assumed the duties of first assistant on the 1st of July, and these were received in August.

Q. Do you know why it was this did not come to the attention of Mr. Wheeler, who was the chief of the inspectors?—A. Yes sir.

Q. Why?—A. They were on my private files in the files of the Fourth Assistant Postmaster-General, and at the time he was called up here I was absent from the city, and they were not within his reach.

Q. He testified he didn't know of any examination of that kind.—A. I presume he did not. It came up while I was chief of inspectors.

Q. Do you know how it happened to come to your attention?—A. He made an application to be transferred from the position of pension examiner to the position of post-office inspector, and I heard there was something wrong with his record in Illinois, and I took this means of ascertaining whether or not he was a proper person.

Q. You were chief inspector at that time?—A. Yes, sir.

Q. Mr. Wheeler succeeded you?—A. Yes, sir. I took this means to ascertain whether or not he was a proper person for the position of inspector.

Mr. DUNGAN. Is his application a part of this record?—A. No, sir; it was made to me verbally.

By the CHAIRMAN:

Q. Verbally?—A. Yes, sir.

Q. He made an application to you verbally?—A. Yes, sir.

By Mr. DUNGAN:

Q. Then you have no record showing he ever asked for that at all?—A. No, sir; I don't think he ever made any written application.

Q. That being true, you both agree on that, how did you come to make up a record when there was no application there that would make it pertinent?—A. He had applied to me for the transfer and I was considering whether or not I should ask for his transfer and I heard there was something wrong with his record and I immediately took steps to ascertain whether these things were true or not.

By the CHAIRMAN:

Q. Will you tell the committee where you got the information that there was something wrong?—A. I don't know as I could recollect who it was that told me that. There were so many applications, but I remember getting that information.

Q. It has not been made a public record in your office; you had kept it in your private files?—A. Yes, sir.

By Judge PAYSON:

Q. What do you mean by private files?—A. Well, there are matters in every Government office I apprehend, at least every one I ever had anything to do with, that we do not put on the public files.

Q. You call them confidential files?—A. Yes, sir. In this case I didn't want to put that on the public files because it was a record, as I considered it, as not entirely favorable to Mr. Taylor, and I wanted to keep everything from the public record that would in any way be detrimental to him. I did not want to injure him.

By the CHAIRMAN:

Q. You swear before this committee that that examination was actually made?—A. Oh, yes, sir.

Q. And those papers were made at the time they bear date?—A. Yes, sir.

Q. And have been in your possession ever since as confidential?—A. Yes, sir.

By Mr. DUNGAN:

Q. By the way, did you have any knowledge as to whether Mr. Taylor knew of this investigation?—A. No, sir.

Q. You never had any talk with him about it?—A. I don't believe I ever did.

By the CHAIRMAN:

Q. It was entirely *ex parte* then?—A. Yes, sir.

Q. Do you know anything about the character of this man La Tourney?—A. No, sir.

Q. Do you know who he is or what his reputation is?—A. No, sir.

Judge PAYSON. That is all I have to say, except I want Mr. Fawcett to answer such questions as may be asked him with reference to this newspaper correspondent.

The committee then went into executive session in reference to the Fawcett matter.

It was decided by the committee in executive session that the Fawcett matter should not be gone into; that he should not be compelled to answer the question.

Thereupon the committee adjourned until Friday at 10:30 a. m.

WASHINGTON, D. C., *Friday, May 27, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), and Messrs. Brosius, Dungan, and Lind, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Judge PAYSON. I hold in my hand the original report, from the files in the Pension Office, in the case of Jacob D. Tetwiler, made by the witness Fawcett, from which an extract was made and incorporated in a letter which I introduced in evidence yesterday, after showing it to Mr. Fawcett; and after the reading of it Mr. Fawcett said, as a witness, that the statement in the letter was only a garbled extract from the report made in the case. I desire to read the report, exactly what Mr. Fawcett said, showing it was exactly the same as was in the letter I read and introduced in evidence yesterday. I do not care to burden the record with the entire report, but will read as much as applies to the matter referred to yesterday:

Dr. Hayes says claimant's statement of facts in relation to his (claimant's) hospital experience is true so far as he is connected with it, except that he (Hayes) can not remember of any individual treatment. He can not call to memory, as he turned over his books to Gen. Banks' surgeon, and he says, and history shows, Gen. Jack-

son captured all the records; and while it is a pity it's true, it's true it's a pity he did not capture Banks, but he didn't. From the evidence, I am very decidedly of the opinion, etc.

Judge PAYSON. I would like to have Mr. Fawcett recalled.

T. R. FAWCETT—Recalled.

By Judge PAYSON:

Q. Referring, Mr. Fawcett, to the questions which were asked you yesterday with reference to your conversation with a correspondent of a leading daily newspaper, I want to ask you how that particular conversation happened to occur. Did you begin it, or did the correspondent begin it?—A. No, sir. It began in this way: It was about the time that the report came from Indiana that Gen. Steel was coming here to take—that Mr. Raum had resigned—and that Gen. Steel was coming to be Commissioner of Pensions. That was published in the morning papers as telegraphed from Gen. Steel's home in Indiana; from Indiana, anyway. And the correspondent asked me if I knew Gen. Steel was in town. I told him, no, I did not; and he says—I forget how it came about, but he made the remark—he said, I wonder if Gen. Steel would take the Commissionership. And I said, I don't believe he will, or any man of Gen. Steel's standing, in the muss the office is in at the present time, would touch it. And then, in some way or other, it came about he wanted to know if there was anything new; and I said I didn't know of anything; that I believed if there was anybody in the office now that did know anything they would be afraid to tell it because of the discharge of us folks, against whom there was no testimony, or rather against whom they couldn't prove that they had told newspaper correspondents anything; if there was anybody telling anything they would be afraid to do it any more. He says, I have got men in there now giving me all the information I want. That is about the way it was.

Q. The question I asked you was how it happened to begin; did you begin it or did this man begin it?—A. I think he began it by asking me if I had seen Gen. Steel.

Q. How long had you known him?—A. I just saw him four or five times, probably not more than that. Just happened to meet him incidentally.

Q. Where did you meet him?—A. I think it was in his office.

Q. In what building was that?—A. Here in the city.

Q. I asked you in what building it was?—A. I don't know as the building has got any name; no, it has not.

Q. Where is it?—A. It is situated up near Willard's Hotel.

Q. Where is the building?—A. Near Willard's Hotel, here in this city.

Q. Is that the best answer you can give to this committee?—A. I don't know the number of the building.

Q. Where is it located with reference to any other offices?—A. Well, it is located in the vicinity of the Treasury; what the number of it is I couldn't tell you.

Q. Can you go to it now?—A. I think I could, probably.

Q. Will you tell this committee where you went and had this conversation, so the committee will understand it as well as you do?—A. I don't know the number of it. It is located on Fifteenth street; the number I can not tell.

Q. Is it in the Corcoran building?—A. No, sir.

Q. Between what two streets on Fifteenth street?—A. It is between the avenue, between Pennsylvania avenue and New York avenue, along there, somewhere.

Q. How many blocks from Pennsylvania avenue?—A. That I don't know.

Q. You are not so ignorant of this city that you can not tell within two blocks of where the office is?—A. I will tell you this. I can't tell you the numbers of a dozen houses in this city that I can go to direct.

Q. Do you know the first street north of Pennsylvania avenue on Fifteenth street—is it not F street?—A. I think so.

Q. Don't you know where the Western Union Telegraph Office is?—A. Yes, sir.

Q. Was it in that building?—A. I said it was not.

Q. It is north of that?—A. Yes, sir.

Q. The next street north is G street, isn't it?—A. It ought to be, yes, sir; I believe it is. There are so many alleys coming in there that it is hard to tell about the streets.

Q. Do you know there is an alley between F and G streets?—A. No, sir.

Q. Do you intend to testify fairly before this committee, and to tell what you know, and to tell it fairly in this investigation?—A. I do.

Q. What do you say about any alley between F and G streets, then, for?—A. I said there were so many alleys here I couldn't tell whether there was or wasn't one.

Q. Do you know where the Riggs House is?—A. If you want that information you can get a map, can't you?

Judge PAYSON. Mr. Chairman, I insist this witness must answer questions, or say he don't know. Do you know where the Riggs House is, on the corner of Fifteenth and G?—A. Yes, sir; I do.

Q. Is this office where you saw this correspondent in that block?—A. That I can not say for a certainty.

Q. Then you can not now locate that office?—A. I could locate it by going to it, but I can not locate it here from memory.

Q. Can't you take the Riggs House as a basis, and come down from that and tell this committee where that office is?—A. It is by the Treasury, there somewhere; but what the number is I can not tell.

Q. Do you know the block on the north side of G street, on the corner of which is a furnishing store kept by Tyssowski?—A. I don't know where that is.

Q. Do you know where those couple of stores are that front on F street, a couple of drug stores?—A. No, sir; I do not.

Q. How did you know where this man's newspaper office was?—A. I can go to a hundred places in this city, but I don't know the number of any of them.

Q. You can't tell the block where they are?—A. No, sir; not for a certainty.

Q. Tell the best you can where the office was.—A. I have.

Q. You can't tell whether that office was in the Riggs House block or the block north of the Riggs House?—A. It might be north; I can't swear to it.

Q. How did you happen to go to that office?—A. I was just straying around.

Q. How did you happen to stray in there?—A. Well, now, that I don't know.

Q. Was your acquaintance with this man sufficiently intimate that

would justify you in dropping into his office without any business?—A Yes, sir.

Q. Was there any other business transacted in his office except his own, that you know of?—A. That I can not tell.

Q. What floor of the building was it on?—A. Well, I wouldn't say whether you had to go up one or two flights of stairs, whether two or not, I can not tell.

Q. Had you ever been there before?—A. Once or twice before.

Q. To see this same man?—A. No, sir; not that same man, exactly.

Q. What other man did you go to see?—A. I went to see a man here from Brooklyn, N. Y.

Q. What business was he in?—A. I didn't inquire into his private business; he was not a newspaper man.

Q. Did you go to see him about an appointment?—A. No, sir.

Q. How did you happen to know he was there?—A. I met him, and in walking along there he went up, and I went along with him; and we went from there over to the Treasury building. I was showing him around.

Q. What was the name of this other man?—A. Now, I forget what his name is. He brought a letter here of introduction to me from an uncle; and I met him at Willard's Hotel.

Q. What connection had he with this newspaper correspondent?—A. I told you I didn't ask him anything about his private business. I don't know what he was there for; I didn't listen to his conversation.

Q. Was that man a stranger here?—A. Yes, sir.

Q. Did he know where this correspondent's office was without your telling him?—A. I think he did. He said he wanted to see the gentleman, and I walked up with him.

Q. Did he tell you who the gentleman was?—A. He said he wanted to see a gentleman; he didn't say who he was at that time.

Q. Did he afterwards?—A. I knew who he was afterwards.

Q. Did he say who it was afterwards?—A. I don't remember every little incidental conversation of that kind.

Q. How many other times, and what were the occasions, of your going there the other times you went there?—A. I am not going to tell that. It was all private business.

Q. I am asking you, and I would like to have you answer that question.—A. I decline to answer that.

Q. Why?—A. Because it was private business, not connected with any public matter whatsoever.

Q. Was it in connection with this newspaper correspondent?—A. No, sir.

Q. Haven't you already stated there was nobody else had any business in there that you knew except this newspaper correspondent?—A. I have.

Q. Who else did you go to see?—A. That is my private business, and I decline to answer. You have held that you can not go into private business here, and I take the same ground.

Q. On each of these other occasions you went to see the correspondent on only private business; did you see him?—A. I can not say I did.

Q. Will you say you did not?—A. I wouldn't say I did or didn't, because I don't recollect. I didn't go on special business to that correspondent; I went on private business.

Q. I am asking you about this office. You said you had been at that office some three or four times before that?—A. Yes, sir.

Q. Now, you say you went on private business?—A. Yes, sir.

Q. And there was nobody else had any business there except this newspaper correspondent?—A. I said I didn't know.

Q. You don't know of anybody else that had business there—that had any business there except this correspondent?—A. No, sir.

Q. Then did you go to see him or somebody else?—A. I didn't go especially to see him or anybody else. What I went for, now I don't recollect; every time I went there I went on private business.

Q. When was the next time that you saw this correspondent after you had this conversation with him in reference to this matter concerning Gen. Raum?—A. That I don't remember.

Q. How frequently did you see him?—A. I could not tell you that.

Q. He was then a regular correspondent of some leading daily paper?—A. He was.

Q. Then you used to see him frequently?—A. No, sir.

Q. Occasionally?—A. Very occasionally.

Q. How many times since that conversation were you at this office?—A. I don't believe I have been there since.

Q. Was George B. Fleming the man?—A. He was not. I thought I would give your mind on that question that much ease, anyway.

Q. Have you seen this newspaper correspondent during the present session of Congress?—A. I don't think I have seen him; no, I have not during this present session of Congress. I don't know as I have seen that gentleman since I had that conversation with him; I don't think I have; in fact, I am quite certain of that. I have not.

Q. Did he have a sign on his door?—A. That I don't know.

Q. Do you know the name of the newspaper he was correspondent for?—A. I do.

Q. Did you frequently see it?—A. Every day.

Q. Do you see it still?—A. Yes, sir.

Q. Was that one of the newspapers publishing criticising articles on the Pension Office during the time the Herald and World were doing the same?—A. Yes, sir; it had articles in it. Every paper in the country did.

Q. Don't you know you are telling what is untrue?—A. What?

Q. When you say every paper in the country was publishing such articles?—A. I say pretty nearly every Democratic paper.

Q. It was a Democratic paper, then?—A. It was at the same time the New York Tribune and Philadelphia Press and Chicago Tribune were publishing articles.

Judge PAYSON. I move to strike this all out, these answers that he has given.

The CHAIRMAN. Let us see whether they are responsive to the questions or not. Mr. Palmer, please read the questions.

(Questions and answers read by reporter.)

Judge PAYSON. I think the witness should be instructed to answer responsively to questions.

The CHAIRMAN. That is a fair request, and he should answer the questions in that way.

Mr. BROSIUS. I think for the interest of the record all that portion between the counsel and witness should be stricken out.

Mr. ENLOE. Let us see whether it should or not. Mr. Palmer, please read that again.

(Questions and answers read by reporter.)

Mr. ENLOE. I think that should remain in.

By Judge PAYSON:

Q. You say this was a Democratic paper? I ask you again in what State it was published?—A. I can't say it was a Democratic newspaper.

Q. Was it a Democratic newspaper?—A. I can't tell what the policy of the paper is; you will have to ask the editor.

The CHAIRMAN. Do you know?

A. No, sir; I can not tell.

Judge PAYSON. What is the name of the paper?

A. That I refuse to answer.

Judge PAYSON. That, Mr. Chairman, I think he ought to be compelled to answer.

The CHAIRMAN. We talked it over in the committee day before yesterday, and it did not seem to us to be worth going into.

Judge PAYSON. Suppose I should be able to prove, Mr. Chairman, by this witness that he never had any such conversation in the world with any newspaper correspondent, and I say now in good faith I expect to make that proof?

Mr. BROSIUS. Mr. Chairman, the question that is now propounded to this witness is one that has not been propounded before. The other question about which we had some consultation was an inquiry of the name of the correspondent; this is the first time the name of the paper has been inquired for.

The CHAIRMAN. I shall ask you to answer the question, Mr. Fawcett.

The WITNESS. With all due respect to the committee, I decline.

The CHAIRMAN. Go on then, judge, and we will take such action as may be necessary hereafter.

By Judge PAYSON:

Q. In what State is it published?—A. It is published in the State of New York.

Q. In what city is it published?—A. I decline to answer that.

Q. Why?—A. For the reason that I declined to answer the question as to the name of the paper.

Q. Why do you decline to tell in what city the paper is published?—A. For the simple fact it is only another method you are trying to get at the principal question.

Q. Did you occasionally see that correspondent about the Capitol during the period of your acquaintance with him?—A. I have never seen that correspondent about the Capitol.

Q. Who introduced you to him?—A. That I don't remember now.

Q. Do you remember where you met him the first time?—A. I can not recall it to recollection, judge, at the present, I have met so many correspondents.

Q. I asked you about this correspondent.—A. I can not call it to mind now.

The WITNESS. There is a letter here I would like to have put in along with those that were put in yesterday.

By Mr. BROSIUS:

Q. I would like to ask Mr. Fawcett one or two questions. There is a matter I would like to understand a little better.

Q. Mr. Fawcett, you have declined to inform the committee the name of the correspondent with whom you said you had a conversation, or the name of the newspaper with which he was corresponding. Would you have the kindness to tell the committee whether that refusal is based upon the fact that you believe it would be an infraction of a personal obligation created at the time you received this information from this correspondent?—A. Yes, sir; that is the only reason.

Q. Do I understand you to say that you received this information

from the correspondent under the injunction of secrecy?—A. The conversation, sir, as near as I can remember, he said not to say anything about, or something like that; and I said, no; some words to that effect. However. it was given in such a way, as I understood, he did not want it repeated.

Q. Do you regard the obligation which the circumstances of that conversation created, as to this correspondent personally, as superior to the obligation you are under at this time as a sworn witness to tell the truth and the whole truth, which you have sworn to tell to this committee?—A. I don't think there could be any comparison drawn between the two subjects or objects in putting the question.

Q. If you will pardon me, I would like to have you answer the question, yes or no.—A. Well, sir, the question can't be answered yes or no; that is, I can not answer it yes or no.

Mr. BROSIUS. Mr. Palmer, will you please read the question?

(Question read by reporter.)

The WITNESS. I can not answer that yes or no.

Q. Have you made the only answer you can make to the question, Mr. Fawcett?—A. I can not answer it yes or no. I can answer it, but not in that way.

Mr. BROSIUS. Will you please read the question again, Mr. Palmer?

(Question read by reporter.)

The CHAIRMAN. What answer have you got for it?

A. I say this: that a confidential communication which has really no bearing, either to Mr. Raum, as to Mr. Raum's management of the Pension Office, or Mr. Raum's reputation, is one thing, and my oath to tell the truth with regard to what I know of the management of the Pension Office and matters therein, by Mr. Raum, is entirely another, and therefore could not be answered as the same question.

By Mr. BROSIUS:

Q. Did that correspondent in that interview tell you what paper he was representing?—A. Oh, I knew that.

Q. Then, as to that information, you did not receive it under any injunction of secrecy, did you?—A. I considered it so.

Q. How can you consider information that you did not receive at all as received under the injunction of secrecy?—A. I want you to distinctly understand, Mr. Brosius, that I received that information——

Mr. BROSIUS. I guess you misunderstood my inquiry.

A. I answered the question exactly as I understood the inquiry.

Mr. BROSIUS. Mr. Palmer, please read that question and answer.

(Question and answer read by reporter.)

The WITNESS. Oh, I understand that now. No, not the information as to the name of the paper; I did not.

Q. Then to give this committee the name of that newspaper you would not commit any breach or any obligation created at that time, would you?—A. In a collateral way; yes, sir; as it would be giving the name of the correspondent and newspaper both, or else putting them in the way to find them out.

Q. Your refusal, then, to give this committee the name of that newspaper is based upon the fact that to give the name of the newspaper would disclose the name of the correspondent?—A. That is it exactly.

Mr. DUNGAN. Hadn't that paper more than one correspondent at the time?

A. Yes, sir. But this was the principal one.

Judge PAYSON. Mr. Palmer, will you please read what the witness said in regard to his obligations as a witness?

(Answer of witness referred to by Judge Payson read by reporter.)

Q. Are you aware that the scope of this investigation is to inquire into all alleged abuses in the Pension Office?—A. Well,——

Q. Please say yes or no to that question.—A. I can not say yes or no to that.

Judge PAYSON. Mr. Chairman, will you kindly hand me that resolution.

Q. Mr. Fawcett, assuming that one of the subjects and objects confided to this committee is to inquire into alleged abuses in the Pension Office, assuming that to be so—and now I refer to your knowledge as a lawyer—do you regard it to be a proper practice in the Pension Office for employés to hunt down the files, and sell information which they get in that way to a public newspaper for political purposes? Do you regard that as proper practice?—A. I never done it.

Q. Can't you answer that yes or no?—A. I can't answer that yes or no.

Q. Have you any judgment as to whether that is regarded as proper practice or not?—A. As to selling it, I think it is wrong.

Q. If that thing should be done it would be an abuse, wouldn't it?—A. If they sold it; yes, sir.

Q. If they did?—A. Yes, sir.

Q. If certain employés of the Pension Office were in the employ of a newspaper correspondent, and were furnishing him information for pay, wouldn't that be an abuse, in your judgment? Please answer that yes or no.—A. I can't answer that yes or no. I said if they sold it, it would.

Q. Now, then, do you regard it as any part of your duty as a witness under oath to aid this committee in ascertaining whether or not that thing was done?

Judge PAYSON. Please answer that yes or no.

(Question read by reporter.)

A. I do not.

By Mr. LIND:

Q. Did you not testify here under oath, the other day, you felt it your duty as a citizen to help to prosecute Gen. Raum?—A. I did not say prosecute Gen. Raum.

Q. To prosecute this investigation to discover alleged errors in the Pension Office?—A. No, sir; I didn't say anything about the Pension Office. My answer was that I considered it the duty of every citizen, where an office was supposed or alleged to be prostituted, a public office, other than the purpose for which it was instituted, it was his duty to throw as much light and give as much information as he knew to a committee of Congress which was investigating it.

Q. Now, apply that rule to this, and how do the two tally?—A. If the committee will permit me to answer Mr. Payson's question, and Mr. Lind in my own way, I will answer them both together.

Mr. LIND. I will withdraw it.

Judge PAYSON. Please read the question again, Mr. Palmer.

(Question read by reporter.)

A. I said that I do not.

By Mr. LIND:

Q. Let me ask you a question: Would you justify employés of the Pension Office, who have access to the files and records of that office by reason of their employment in the office, in giving out information from

the records or files for political purposes without pay?—A. Not for political purposes, I would not; but under certain circumstances I would; and that is what I wanted leave to explain in regard to that last answer given to Mr. Payson; and I could do it in a few words.

The CHAIRMAN. You may make it.

The WITNESS. I consider it the duty of a clerk, or any man in the Government employ, and I consider it as a part of his oath that if he knows of matters being done in public offices which he believes not to be right, and to be prostituting the office, or to be using the office for other than the purpose for which it was created, and when he knows, or if he knows, that by bringing those matters to the attention of his superior officers, that he would himself be liable to be discharged, then it is his duty to give the information in order that the public may know it, to get it and give it in the best manner possible to bring it before the public, no matter who the official is. That is my answer to your question.

Judge PAYSON. Why are not you willing to testify, then, to what you know in regard to these clerks, when you know it will probably lead up to finding out who the clerks were who were doing this for pay.

The WITNESS. This letter does not say they were selling it, or receiving pay for it.

Q. "They were in the employ of a certain newspaper correspondent."

Judge PAYSON. Never mind that; I am content to leave this record where it is now, with this exception: I have sent to Johnstown, Pa., for a certified copy of the police court record of this man, and if it comes here in time I wish to have it go in evidence for what it will show.

Mr. ENLOE. What is the letter you wish to have go in?

The WITNESS. The letter from Mr. McDye. It is in the Pension Office.

Mr. ENLOE. See if that is what you want [handing letter-press copy book to witness].

Mr. ENLOE. I was not here during the latter part of the examination of Mr. Fawcett yesterday, and he has a letter which he wishes to know if it went in the record or not during the examination yesterday. I would like to know if you put it in that way.

(Mr. Enloe hands copy of letter to Judge Payson.)

Judge PAYSON. Yes, sir; I put that letter in the other day. That letter was put in among mine.

Mr. FAWCETT. That is not the McE. Dye letter. I have not been able to find that yet.

Mr. ENLOE. I wish to have this letter go in evidence; it is the letter of William McE. Dye.

Judge PAYSON. I don't know as I want to agree to allow that letter to go in.

Mr. ENLOE. Well, it should go in as evidence; it is in connection with Mr. Fawcett, and it is no more than right that it should go in.

Judge PAYSON. Well, I am willing it should go in, then.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., July 29, 1887.

Mr. THOMAS R. FAWCETT, *Special Examiner, Altoona, Pa.:*

MY DEAR SIR: The charges recently preferred against you by Messrs. Soule & Co. have been sufficiently investigated to satisfy the Hon. Commissioner that in your capacity as a special examiner you were doing what in your good judgment it was your duty to do.

The old charge of intoxication, resurrected after a year or more burial, has already received due consideration The Commissioner has been pleased to dismiss

all those charges, having confidence in your integrity of purpose and a firm reliance in your fidelity and zeal.

I, individually, hope and believe, from what I hear, that you will do everything you can to justify and nourish the confidence the Commissioner has been pleased to express.

I am, sir, very respectfully,

WM. MCE. DYE,
Chief S. E. Division.

True copy.

JAMES TANNER,
Commissioner.

A true copy of the certified copy on the records of the U. S. Civil Service Commission.

JOHN T. DOYLE,
Secretary U. S. C. S. C.

Judge PAYSON. I find, Mr. Chairman, in the testimony that was put in when Secretary Noble was on the stand, on page 27 of this printed record, if you will kindly turn to it, because I do not care to duplicate the record any, but some portions of that were omitted. On page 27 of the record, a letter dated October 21, 1891, signed "Carroll, Smith, Raum, and Lineaweaver;" on the back of that letter is an indorsement by Secretary Noble that does not appear, and I desire to insert it at this place.

Mr. ENLOE. This omission was the fault of the office in furnishing the copy to the committee.

Judge PAYSON. The copy furnished to us has it on the back; but the copy furnished you probably did not have it. It was probably an oversight on the part of the office. I will let Mr. Palmer take this, and copy the indorsement on the back of it.

The indorsement is as follows:

DEPARTMENT OF THE INTERIOR,
October 21, 1891.

Respectfully referred to the Commissioner of Pensions, in connection with the letter of Assistant Secretary, and with statement, to be communicated to the writer of this letter, that the matter set forth in the Assistant Secretary's letter are all that are known to me. There are no charges before me such as the writers mention.

JOHN W. NOBLE,
Secretary.

OCTOBER 21, 1891.

Judge PAYSON. Then there were two letters which were a part of that correspondence which were not produced by the office. One from Gen. Raum, and Gen. Bussey's reply to him, and here are the official copies of them; and I will give them to Mr. Palmer, so that they may go in as evidence.

The following letters were here offered in evidence:

DEPARTMENT OF THE INTERIOR,
Washington, October 22, 1891.

MY DEAR SIR: The inclosed letter addressed to the Secretary has been referred to me for reply. In my interview with you at the time the charges filed by Engle and Howard were under discussion I endeavored to convey to your mind the criticism which had reached the Department of certain matters in your office in the way of gossip and individual statements, with a view to aiding you to such conclusions as would tend to remove cause for the suspicions that parties outside your office had undue influence in securing promotions.

I made no statement that it was charged that the parties signing this letter had combined to sell promotions. All that was intended to be conveyed was that Mr. Smith and Mr. Green B. Raum, jr., were understood to be intimate friends, and were frequently at the office in conference with clerks; and that the fact that Mr. Lineaweaver had been promoted from the appointment office to a higher position in your private office had caused evil-minded people to say that your son still controlled appointments.

The statement was made by someone that Mr. Raum (understood to mean your son) visited Mr. Carroll at his house, but no mention was made connecting Theodore Smith with doing so. All, therefore, that was intended by me was that these parties were intimate friends. This, viewed with reports then in circulation as to what Engle and Howard were said to have charged concerning promotions, caused more or less comment, but no definite charges. Other officers of the Department heard similar comments and the matter was talked of between us. I may add that many parties come into my office, some of whom are supposed to be reporters for the press, who report certain gossip they have heard and ask what truth there is in it, whom I do not know by name or the papers they represent.

Trusting that this explanation will be satisfactory and that when you consider the spirit in which we discussed the matter you will agree with me as stated above, I am,

Very truly yours,

CYRUS BUSSEY,
Assistant Secretary.

Hon. GREEN B. RAUM,
Commissioner of Pensions, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, December 1, 1891.

MY DEAR SIR: Your letter of the 22d of October was received in due course, but I have been so much occupied in the preparation of the estimates and other official business that I have delayed replying until the present time.

The letter addressed to the honorable Secretary by William C. Carroll, Theodore Smith, Green B. Raum, jr., and Mr. H. E. Lineaweaver, denying the truth of certain charges which they understood had been preferred against them, was based upon my statements to them on the day of my interview with you, to which you refer in your letter.

You informed me that your interview with me was at the request of the Secretary, and that it was brought about by certain statements which had been made by parties, whose names were not given, in regard to the manner in which appointments and promotions were made in this Bureau.

I regarded the matter as very important for the reason that you made a serious point against Maj. Carroll's assignment to duty as assistant to the chief of the appointment division and Mr. Lineaweaver's continuance as private secretary at my desk. I did not understand you to make any charges upon your own authority, but my understanding was clear and definite that somebody had charged that Messrs. Carroll, Smith, Green B. Raum jr., and Lineaweaver had put their heads together to improperly control appointments and promotions in the Pension Office; that they had a place of meeting at Maj. Carroll's house, where these matters were arranged, and that to secure the indorsement of a clerk for promotion a slip would be prepared and sent to the chief of the proper division for a letter covering the case upon which the proper recommendation for the promotion of the employé would be made for the signature of the Commissioner.

I expressed to you my entire confidence in the integrity, ability, and faithful service of both Maj. Carroll and Mr. Lineaweaver, and that I was positively sure that no improper arrangement existed between these parties to control the appointments and promotions in this Bureau.

I assured you that since my son had retired from the Pension Office he had not undertaken to interfere in these matters. You will no doubt recall that I stated to you that there was not even a suspicion in the office among intelligent and well-meaning persons that there was anything wrong in connection with the appointments and promotions of the clerical force. I also stated to you that there were probably 800 persons in the Pension Office who had been appointed or promoted since I assumed charge, and I would be glad to have all these persons examined under oath as to the correctness of the manner in which they were appointed or advanced.

You will, no doubt, remember the fact that before we separated I stated to you that I would immediately send for Theodore Smith and have him make a statement in regard to the matter. Smith was in my office within an hour after I left you, and after I stated to him the purport of our interview he prepared an affidavit denying this charge. Maj. Carroll was also informed in the premises, and he likewise prepared an affidavit fully setting forth the charge and denying it in every particular. These affidavits I filed with the Secretary two days afterwards.

No action having been taken upon these papers for more than three weeks, I informed Maj. Carroll and Mr. Lineaweaver that I desired this matter should be brought to an end, whereupon their letter, dated October 21, to the Secretary, was written, in which they were joined by Mr. Smith and Green B. Raum, jr.

I go into these details in regard to our interview to show you the impressions your statements made upon my mind. I certainly had no wish to misunderstand the purport of your statements, and regret very much if I have done so.

I note the indorsement of the honorable Secretary returning the joint letter above referred to, and his allusion to your letter which accompanies it, in which he states: "That there are no charges before me such as the writers mention." I also note your statement that "all that was intended to be conveyed was that Mr. Smith and Green B. Raum, jr., were understood to be intimate friends and were frequently at the office in consultation with clerks, and that the fact that Mr. Lineaweaver had been promoted from the appointment division to a higher position in your private office had caused evil-minded people to say that your son still controlled appointments."

It is due to Mr. Smith and to Green B. Raum, jr., for me to say that neither separately nor in conjunction have they undertaken to control the appointments or promotions made in this office. This is a branch of the public service to which I give careful personal attention. In regard to the selection of persons from the certifications forwarded by the Civil Service Commission, the greatest care is taken to secure those who seem to be the most competent, all of whom are usually strangers, residing in widely different sections of the country. Reliance for the most part is placed in the examination papers themselves transmitted with the certifications.

In regard to the promotion of clerks in this office I wish to state that my recommendations are made not as a perfunctory matter, but after carefully examining into the merits of each case, and selections are made from among the number recommended by the several chiefs of divisions of those who seem to be the most deserving and competent. This is done without prejudice or favoritism. The letters to the Secretary recommending these appointments or advancements are prepared after the selections are made.

I note your statement that "many parties come into your office, some of whom are supposed to be reporters for the press, who report certain gossip they have heard and ask what truth there is in it, whom I do not know by name or the papers they represent."

In a force of 2,000 persons it is to be expected that there will be some unworthy people who are bad by nature and who will always constitute a disturbing force. Such persons, when discovered, should be summarily dismissed. The Pension Office is not free from such malcontents. For the last twenty years this Bureau has been a target of attack, and no Commissioner has escaped the fierce assaults of leading newspapers, and it is perfectly well known that employés of the office have constantly united with persons on the outside in efforts to destroy the reputation of the Pension Office and its leading officials. Every administration, Republican and Democratic, has suffered in this way, and the principle can not be too often stated, nor earnestly insisted upon, that every employé of a Department owes fealty to his immediate superiors in office and he shall not avail himself of his position to make attacks upon the administration, through the newspapers or otherwise, and retain his place in the public service.

There is no question in my mind but that the evil-minded persons to whom you allude are of those who for several months have been concocting and retailing false statements in regard to the business of the Pension Office, with a view of creating a disturbance between the Secretary and the Commissioner, with the obvious purpose of forcing the retirement of the latter. A portion of this bad element is composed of employés of this Bureau. They have been the constant associates of George B. Fleming, who has incessantly worked to this end, and has boasted that he was doing a great work for the Democratic party by abusing the Pension Office and its Commissioner and traducing the officers with whom he has surrounded himself, in an effort to destroy the confidence of the Secretary in the proper administration of the Bureau.

This man Fleming is the author of almost all the lying articles which have been published against me and the Pension Office. He has made his living for the last year and a half by the preparation and sale of his libelous screeds. He has been in constant communication with such men as Jennings, Hodgson, Engle, Taylor, and a number of other employés of the Bureau who have worked diligently to break down my administration of the office and to destroy the character of a number of persons employed in the Pension Office, and whose destruction they supposed would injure me. Fleming has been animated in his attacks by a spirit of revenge.

Soon after I became Commissioner I recommended his dismissal from the public service because I regarded him as wholly unworthy. I was informed of his bad character during his residence in Michigan, and his record in the Pension Office marked him as a man unworthy of confidence. It seems proper that I should make a brief statement of this man's history in connection with this Bureau:

Fleming was appointed in this Bureau in 1885. The record shows that he was but an average special examiner. In October, 1888, immediately before the national campaign, he was assigned to field duty in the State of New York, and it appears from his own affidavit that he deliberately entered into a scheme with the then chief of his division to prostitute the Government service in the interest of the Democratic party. When the present administration came into power Fleming was investigated, and in a statement before a special examiner attempted to defend himself by saying that he betrayed the confidence reposed in him by his chief, and that instead of following out the instructions given him he simply pretended to, and in nowise aided the party for which purpose he virtually admits he was sent to the field. He also boldly admits that some of his daily reports covering this assignment are false. These facts having been brought to my attention, and becoming cognizant of his career in Michigan, I recommended his retirement from the service.

This man and his Pension Office allies I have no doubt are responsible for whatever may have been said at the Department against Maj. Carroll and Mr. Lineaweaver. It is due to both of these gentlemen, and also due to the Department, that I should make a statement in regard to them. I have known Maj. Carroll for a number of years. He has had the friendship and respect of many of the most distinguished men of the country. He is a man of education, excellent ability, and I have entire confidence in his integrity and fidelity to duty.

In regard to Mr. Lineaweaver, I will state that I made his acquaintance upon taking charge of this Bureau, in October, 1889. His duties in the office have been such that I have met him almost daily when on duty in the office. His familiarity with the workings of the Bureau is equal to that of any person connected with it. He has a liberal education, is a rapid stenographer and typewriter, and I have found him to be a most excellent assistant in connection with the business of the office. I regard Mr. Lineaweaver as a gentleman of unimpeachable integrity, and I have absolute confidence in his loyalty and fidelity.

You are familiar with the present organization of this Bureau and the business methods by which the immense amount of work performed during the past two years has been accomplished. I am satisfied that you will agree with me in the statement that the Bureau of Pensions, as a great business machine, is now equal to any Bureau in any of the Departments of the Government, and I think you will also agree with me in the statement that the business of the Bureau is being conducted with a conscientious regard for the interests of the Government and the rights of claimants.

Very truly yours,

GREEN B. RAUM,
Commissioner.

Hon. CYRUS BUSSEY,
Assistant Secretary.

M. B. BAILEY—Recalled.

By Judge PAYSON:

Q. I will ask you, looking at a letter which I hold in my hand, dated May 25, 1892—I will ask you whether the figures which are attached to that and the exhibit, or whether the figures contained in connection with it, are correct?—A. I think they are; yes, sir.

Judge PAYSON. And that I offer in evidence as a report made by the chief of the law division to the Commissioner in reference to the facts which appear in it. It is a history of the completed-files system and the forms of blanks used in it.

The following papers were here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., May 25, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: I submit herewith a copy of the various orders relating to the system of completed files, with the blanks used by the law division under its operation, and a statement relative thereto.

You directed me to carry out order 151 and the inclosed circulars, 3-620 and 3-621, were prepared for the purpose indicated by them.

The greatest publicity was given to order 151 by the press, and letters and slips certifying cases as complete came to the office soon after its issuance.

The circulars referred to with a stamp,

copy | Law Division B. P. app'd for Completed Files. | herewith,

were prepared and received in the law division the latter part of January, 1891, and the systematic arrangement of the work, according to the dates it reached the office, caused a delay until February 3, when the letters and slips certifying a case as complete was stamped, approved, and sent to the proper divisions, and a circular, 3-620, sent to the attorney or claimant.

Where the letter did not fully comply with order 151, it was returned with circular 3-621.

Attorneys having a large number of claims would send in many slips at one time, so that the clerks who were on the work would divide it and were able to make an accurate report showing the number of such slips filed by any one attorney and the dates of approval in the office.

From those daily reports it appears that on February 3, 498 slips were approved. The largest number were from J. B. Cralle, 147. Eleven Washington attorneys filed 321, and the remainder, 177, were from other attorneys and claimants outside of Washington.

From February 3d to 10th, inclusive, 5,758 slips were approved. Of that number, 3,648 were filed by Washington attorneys, 2,110 by local attorneys and claimants. Of Washington attorneys, the greatest number was filed by J. B. Cralle, 1,200; P. J. Lockwood, 1,096; T. W. Tallmadge, 310; W. W. Dudley, 155; Jno. Raum, 9.

Our records show that Geo. E. Lemon began filing applications on February 11th for the first time, more than a month after issuance of order 151, and that the total of such slips filed by him during that month were less than the number filed by other attorneys during the same period. P. J. Lockwood, 1,854; J. B. Cralle, 1,754; G. E. Lemon, 1,493. To secure uniformity on the part of attorneys in the applications for placing cases on the completed files, order 155 was issued July 1, 1890, and publicity given it by the press, and copies sent the principal attorneys and to all who wrote to the office.

To correct an abuse by certain attorneys who it was alleged certified all their cases as complete indiscriminately, order 165 was issued.

Few of the complaints made were well-founded, and after adopting forms 1 and 2, and A, B, and C, herewith, order 165 was superseded by 166 and the circular of December 15, 1890.

Up to that time 110,000 circulars had been used. Since then the greatest uniformity has been observed by attorneys, and the system seems to work without a jar.

The criticisms which arose on the adoption of this order from those who failed to comprehend its scope gradually dwindled away until for months past not one has reached the law division.

While attorneys are authorized to place cases upon the completed files under order 151, order 149 provides that the Bureau, when a case is found to be complete, shall place the same upon the completed files, and under its operations, as disclosed upon a recent examination, an average of forty-six (46) per cent of the cases which attorneys requested to be placed on the completed files had already been placed there by the action of the file clerks under the operations of order 149.

Very respectfully,

M. B. BAILEY,
Chief Law Division.

Order No. 149.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 23, 1889.

The files of pending claims in each division shall at once be examined, counted and proper account taken of the same.

Where a claim, upon inspection of the jacket and testimony strapped to the case, seems to be complete, a proper record shall be made of the claim on a card prepared for that purpose, and the case shall be kept upon a list known as the "Completed Files," and these cases shall be considered in the order of the filing of the last piece of evidence.

Upon examination of these cases, if it is found that another call for evidence is required, such call shall be made, and the case returned to the files of pending cases to await the reply to the call. When the evidence in response to that call is furnished, the claim shall at once be restored to the list of "completed files" and the claimant notified.

Placing a claim on the list of "completed files" shall not be considered as a favorable adjudication of the claim. This arrangement is intended simply to secure the consideration of the claims which are apparently completed, at the earliest possible date. The "completed files" shall also be arranged so as to separate the original cases from the increase cases.

Hereafter all calls for evidence shall be made upon blanks which shall indicate by number the nature of the call, and a record of such call shall be made upon a card, opposite the number on the card corresponding with the number of the call in the blank.

Claimants and their attorneys are urgently requested to prepare their evidence in response to these calls according to the number and to indorse on the back of the evidence "Reply to call No. ...., ..., 18..."

These "calls for evidence" cards shall be strapped to the case, and as the evidence in reply to the call is received the file clerk shall immediately record the date of the receipt of the evidence at the proper number of the call, and this new evidence shall be strapped to the case.

When the last evidence called for is received and a record thereof made on the card the case shall at once be entered on the list of "completed files" in its proper order and the claimant notified. All answers to applications for status of cases on the list of "completed files" shall be upon a blank informing the applicant that the case is pending in the "completed files."

Hereafter the order of procedure in original cases shall be as follows:

1. The mail division shall deliver all applications for pension to the record division on the day received.

2. The record division shall promptly make a record of the case, give it a number, and acknowledge the receipt of it, and refer it to the proper division.

3. A call shall be made upon the Secretary of War for a report of the military service and hospital record of the claimant.

4. An order for the medical examination of the claimant shall be made, and a call shall be made upon the claimant for such evidence as seems necessary to complete the case upon blanks which shall habitually use the same number for the same call. A proper record card shall be made for the case and the case put upon the files of pending claims. When the last piece of evidence called for has been received and a record made of the same upon the card, the case shall be placed upon the list of "completed files" to be considered in its order.

Chiefs of divisions shall require examiners to devote their entire time during five days of the week to the consideration of cases borne upon the list of "completed files."

On Saturday of each week the entire force of examiners shall devote themselves to the examination of cases borne upon the pending files and in the preparation of the necessary calls for evidence in those cases. On Friday afternoon of each week the file clerks shall withdraw from the pending files fifteen cases for each examiner, and have them placed upon the desks of the examiners before 4 o'clock on Friday afternoon.

GREEN B. RAUM,
Commissioner.

Recorded on page 35, Rulings and Orders of the Commissioner of Pensions.

Order No. 151.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., January 6, 1890.

Claimants are hereby authorized to apply to the Commissioner of Pensions to have their claims placed upon the list of "completed files" for immediate consideration.

Such applications may be made by the claimants or their attorneys of record, and shall set forth:

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

3. That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service and establishes the fact of disability during any past pensionable period.

4. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

5. That, in the opinion of the claimant, the claim is fully made out and complete.

In the claims of widows it must be alleged that proof has been made showing that the soldier died of an injury or disease contracted in the service, and that claimant is the soldier's widow.

In the case of dependent relatives it must be stated that the proper proof of dependence has been filed in the claim, and that the soldier left no widow or minor children.

If the application is made by the attorney of record, in addition to the other statements required he shall certify upon honor that, after a careful consideration of the case, he is of the opinion that the case is complete.

Claims placed upon the list of "completed files" under this order will be considered in the order of the date they are so placed.

This order does not apply to rejected cases.

GREEN B. RAUM,
Commissioner.

Recorded on p. 40, Orders and Rulings of the Commissioner of Pensions.

Law Division.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ——, *189—.*

——— ———

The application to have ——— pension claim, —— No. ——, of ——— ———, placed upon the list of "completed files," has been received. The allegations therein, complying substantially with the requirements of Order No. 151, dated January 6, 1890, the claim will be placed in the "completed files."

Very respectfully,

GREEN B. RAUM,
Commissioner.

To ——— ———
——— ———

Law Division.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ——, *189—.*

——— ———

The application to have ——— pension claim, —— No. ——, of ——— ——— placed upon the list of "completed files" is herewith returned, as it is not considered a substantial compliance with Order No. 151, dated January 6, 1890, a copy of which is mailed you for guidance in making such application.

Very respectfully,

GREEN B. RAUM,
Commissioner.

To ——— ———
——— ———

[Completed files.]

Order No. 155.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., July 1, 1890.

Claimants are hereby authorized to apply to the Commissioner of Pensions to have their claims, under the provisions of the act approved June 27, 1890, placed upon the list of "completed files" for immediate consideration.

Such application may be made by claimants or their attorneys of record and shall set forth—

1. That the declaration has been made in due form stating the proper service; the fact of honorable discharge and a period of service of not less than ninety days.

2. That the proof establishes the fact that the disability alleged in the declaration is not due to the vicious habits of the claimant, and is of a permanent character to such an extent that he is unable to earn a support by manual labor.

3. That the claimant has, with the authority of the Commissioner of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

4. That in the opinion of the claimant the claim is fully made out and is complete.

If the application is made by the attorney of record for the placing of the claim upon the "completed files," in addition to the other statements required, he shall certify upon honor that, after a careful consideration of the case, he is of the opinion that the same is complete.

Claims placed upon the list of "completed files," under this order, will be considered in the order of the dates they are so placed, and with reference to the desirability of such action as suggested by either the claimant or the attorney of record.

This order *will not* apply to *rejected* cases.

GREEN B. RAUM,
Commissioner.

Recorded on page 47, orders and rulings of the Commissioner of Pensions.

Order 165.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., November 14, 1890.

Hereafter all orders from the law division certifying claims to the completed files shall be examined at once in the proper division in connection with the papers in the case, to ascertain whether any such claims are now on the rejected files or are awaiting compliance on the part of the claimant with a call for evidence made by the office.

Where, upon examination, it is found that any such claims are upon the rejected files or are awaiting evidence called for, the facts shall be stated upon the back of the order and returned to the law division on the day following its receipt.

On receipt of the statement of facts the law division will notify the claimant or attorney that the case has not been placed upon the completed files and will give the reason therefor.

GREEN B. RAUM,
Commissioner.

No. 1.

ORIGINAL CLAIM.

[Old law.]

——— ——, *189—*.

Hon. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the invalid claim described below be placed upon the list of completed files.

No. of claim: ———.

No. of certificate: ———.

Nature of claim: ——— [Additional increase or restoration.]

Co. ——, ——— Reg't ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

3. That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service, and establishes the fact of disability during any past pensionable period.

4. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

I certify upon honor that after a careful consideration of the case I am of the opinion that the case is COMPLETE.

Very respectfully,

——— ———,

No. 2.

WIDOW'S OR MINOR'S.

[Old law.]

———— ——, *189—*.

Hon. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the ——— claim described below be placed upon the list of completed files.

No. of claim: ———.

[Name of claimant.] ———.

[Name of soldier.] ———.

Co. ——, ——— Reg't ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

3. That proof has been made showing that the soldier died of an injury or disease contracted in the service and that claimant is the soldier's widow.

I certify upon honor that after a careful consideration of the case I am of the opinion that the case is COMPLETE.

Very respectfully,

———— ————.

A.

ORIGINAL CLAIM.

[Act of June 27, 1890.]

———— ——, *189—*.

HON. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the invalid claim described below be placed upon the list of completed files.

No. of claim: ———.

No. of certificate: ———.

Nature of claim: ———.

[Additional increase or restoration.]

Co. ——, ——— Reg't ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier.

2. That he has served ninety days or more in military or naval service of the United States during the late war of the rebellion, and was honorably discharged therefrom, and who is now suffering from a mental or physical disability of a permanent character, not the result of his own vicious habits, which incapacitates him for the performance of manual labor in such a degree as to render him unable to earn a support.

3. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

I certify upon honor that after a careful consideration of the case I am of the opinion that the case is COMPLETE.

Very respectfully,

———— ————.

B.

WIDOW'S OR MINOR'S CLAIM.

[Act of June 27, 1890.]

———— ——, *189—*.

HON. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the [widow's or minor's] claim described below be placed upon the list of completed files.

No. of claim, ———; ——— [name of claimant]; ——— [name of soldier].

Co. ——, ——— Reg't ———Vols.

1. That the declaration has been made in due form, stating the proper service of

the soldier. That he served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and that he was honorably discharged.

2. That proof has been made showing that the soldier is dead, and that the claimant is the soldier's widow, and that she is without other means of support than her daily labor.

Very respectfully,

——— ———.

C.

DEPENDENT PARENT.

[Act of June 27, 1890.]

——— ——, *189—*.

Hon. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the [father's or mother's] claim described below be placed upon the list of completed files.

No. of claim, ———; ——— [name of claimant]; ——— [name of soldier].

Co. ——, ——— Reg't ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty, and that proof has been made showing that the soldier died of an injury or disease contracted in the service, and that claimant is the soldier's ——— [father or mother].

3. That the proper proof has been filed showing that —he is without other present means of support than h— own manual labor, or the contributions of others not legally bound for h— support, and that the soldier left no widow or minor children.

And I hereby certify upon honor that after a careful consideration of the case I am of the opinion that the case is COMPLETE.

Very respectfully,

——— ———.

Order No. 166.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 16, 1890.

Order No. 165 is hereby revoked, and it is directed that hereafter all applications to place cases on the completed files, approved as in proper form, shall place the case immediately on the completed files. When a claim is placed on the completed files, and it is found to have been rejected and not reopened, or that calls upon the attorney or claimant for evidence remain unanswered, the claim will be returned to the proper files without further action.

When the case awaits a call made by the office, and it is not within the power of the claimant to furnish the evidence, he shall be notified of the fact and the case returned to the completed files.

When an attorney is found violating the order of the Secretary of the Interior, dated the 26th of September, 1890, the chief of the division will return the slips, with a statement of the facts, to the law division for proper action under that order.

GREEN B. RAUM,
Commissioner.

Circular.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 16, 1890.

The great number of claims pending in this Bureau renders it imperative that claimants and their attorneys should observe the greatest care in making applications for having cases placed upon the completed files.

When a claim is placed on the completed files and it is found to have been rejected and not reopened, or that calls upon the claimant for evidence remain unanswered, the claim will be returned to the proper files without further action.

Where an attorney is found violating the orders relative to the completed files, the chiefs of divisions will return the slips with a statement of the facts to the law division for proper action under the order of the Secretary dated September 26, 1890, as follows:

It is hereby ordered that * * * any agent or attorney who shall have or attempt to have any claim put upon the list or docket of or among the completed files that is obviously or clearly not complete, or otherwise defeat the just operation of the laws and regulations, shall be disbarred from practice in the Department.

It is ordered from and after January 1, 1891, all applications to place cases on the completed files shall be printed on slips four inches wide and eight and one-half inches long, and shall be substantially in the forms herewith submitted.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Judge PAYSON. Now, next, I offer, Mr. Chairman, what I offered the other day, but which was in pencil form, and I have it now in typewriting—statement made by Mr. Bailey:

Q. These are the same figures, are they not, Mr. Bailey?—A. Yes, sir.

(Statement attached to Bailey's testimony given on Wednesday.)

Judge PAYSON. Is there something else you think of that we were to put in in this connection that we have been talking about?

The WITNESS. No, sir; I do not think of anything.

Judge PAYSON. That is all, then.

TESTIMONY OF C. C. WILLIAMS.

C. C. WILLIAMS sworn and examined.

Examined by Judge PAYSON:

Q. What is your official position in the Pension Office?—A. I am a clerk in the law division of the Pension Office.

Q. Do you remember the circumstances in the execution of order 151 by placing the cases on the completed files, by the filing of the prepared slips or communications from the attorneys?—A. I do.

Q. What does this package contain in a general way [handing package to witness]?—A. It contains the daily reports of the clerks who are employed in acknowledging those slips to the attorneys and claimants.

Q. Who had especial charge of that work at that time?—A. Mr. Bailey assigned me to take charge of those slips, and take charge of the acknowledgments of them afterwards.

Q. Did you do the work?—A. I did, sir.

Q. And from that fact do you know from your own observation as to what was done with the reception, filing, and acknowledging of these slips for placing cases on the completed files?—A. I have.

Q. All that work went through your hands?—A. It did.

Q. I will get you to look at this paper, dated May 27, 1892, and in your examination you may state whether the facts contained in that paper is a correct statement of the work that was done with reference to that matter.—A. This is a partial statement of it.

Q. Is it correct so far as it goes?—A. Yes, sir.

Judge PAYSON. I offer that paper in evidence, first, Mr. Chairman, to obviate putting all these records in; it is an abstract of it.

The following abstract was here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., May 27, 1892.

The COMMISSIONER OF PENSIONS:

SIR: I present herewith a statement showing the name and address of the attorneys who filed slips prior to Feb'y 11, '90, which was the date that slips first filed by

George E. Lemon were first approved, his first filing of these slips being not earlier than Feb. 8. 1890.

A. D. Gaston, Marshalltown, Iowa.
T. H. Kennedy & Co., Lawrence, Kans.
J. B. Cralle & Co., Washington, D. C.
E. H. Gelston & Co., Washington, D. C.
Louis K. Gilson & Co., Chicago, Ill.
Frank Armin, Cincinnati, Ohio.
W. W. Dudley, Washington, D. C.
John Raum, Washington, D. C.
C. P. Lyman, Bristolville, Ohio.
F. Emmons, Boston, Mass.
J. E. Latimer, Washington, D. C.
A. P. Loyd, Baltimore, Md.
Smith & Harding, Leavenworth, Kans.
O. P. G. Clark & Co., Washington, D. C.
L. C. Wood, Washington, D. C.
H. S. Berlin, Washington, D. C.
W. C. Benton, Cincinnati, Ohio.
B. F. Cook, Danville, Ills.
H. W. McCall, York, Pa.
Roswell Leavits, Bellaire, Mich.
Merritt Young, Allentown, Iowa.
Lee F. Wilson, Shelbyville, Ind.
J. H. Kroh, Kokoma, Ind.
Lewis Potter, New Bloomfield, Pa.
D. I. Murphy. Washington, D. C.
Belva Lockwood, Washington, D. C.
Edgar Weeks, Dover, N. H.
H. M. Coney, Boston, Mass.
M. G. Wright, Washington, D. C.
T. J. Deavitt, Montpelier, Vt.
W. W. Warner, Allegan, Mich.
N. S. Boyer & Co., Washington, D. C.
Crosby & Dorian, Washington, D. C.
W. G. Waitt, Boston, Mass.
Smith & Talley, Kansas City, Mo.
J. A. Chase, Toledo, Ohio.
William May, Palatine, W. Va.
J. C. Friend, Etna, Me.
M. M. Wright, Washington, D. C.
J. E. Wilson, Elkton, Md.
Tucker & Evans, Washington, D. C.
W. T. Johnson, Washington, D. C.
A. J. Chapman, Bangor, Me.
L. D. Stevens, Concord, N. H.
J. H. Perkins, Providence, R. I.
B. L. Kingsbury, Burlington, Iowa.
C. R. Abell, Washington, D. C.
N. T. Kirk, Albian, Mich.
F. A. Spencer, Washington, D. C.
R. A. Dimmick, Washington, D. C.
W. H. Wills & Co., Washington, D. C.
T. W. Tallmadge, Washington, D. C.
J. P. & S. I. Wright, Washington, D. C.
F. I. Darling, Grand Rapids, Mich.
W. W. Curry, Washington, D. C.
F. G. Coldren, Washington, D. C.
A. W. McCormick & Sons, Cincinnati, O.
C. E. Fairman & Co., Washington, D. C.
J. C. Starkweather, Romeo, Mich.
J. H. Vermilya & Co., Washington, D. C.
W. B. Green, Washington, D. C.
Bellum Miller, Washington, D. C.
J. H. Foxworthy, Lincoln, Neb.
T. S. Hopkins, Washington, D. C.
Bishop Crumine, Cincinnati, Ohio.
Soule & Co., Washington, D. C.
E. L. Vincent, Waverly, N. Y.
J. S. Cherrington, Pine Grove, Ohio.
C. E. Milroy, New York, N. Y.
H. D McKnight, Ironton, Ohio.
J. F. Goddard, Greensburg, Ind.
W. T. Walker, Scottsburgh, Ind.
Frank Smith, Baltimore, Md.
O. H. Bullong, Washington, D. C.
B. M. Potter, Willsboro, Pa.
Langdon Clark, Crarys Mills, N. Y.
John O'Brien, Phœnit, N. Y.
C. P. Kendrick, Springfield, Mass.
Robinson White, Washington, D. C.
R. R. Crowley, Randolph, N. Y.
M. M. Murphy, Mt. Vernon, Ohio.
Philip S. Clark, Providence, R. I.
E. R. D. Mayne, Washington, D. C.
J. W. Quimby. Wilmington, Ohio.
John O. Cole, Washington, D. C.
Jeremiah Cain, Urbana, Ohio.
J. W. Todd, Jasonville, Ind.
W. W. Bowen, Cameron, Mo.
T. Kessler, New York, N. Y.
B. F. Witt. Indianapolis, Ind.
H. F. Bundgardt, Kansas City, Mo.
J. F. Kinney, Cincinnati, Ohio.
J. H. Ormsby, Glens Falls, N. Y.
G. H. Smith, Kansas City, Mo.
J. J. Kellogg, Washington, Iowa.
Jas. E. Wickham, Delphas, Ohio.
J. W. Todd, Jasonville, Iowa.

The following are the names of attorneys or claimants whose post-office address is not known (they are not residents of Washington, D. C.):

C. M. Dodge, Ezra Brown, Joseph Snyder, Welford A. Beane, H. J. Lyda, George Wilson, Noah Hewell, Harrison Bailey, Jos. A. Titus, Geo. Godfrey, F. F. Lockhart, J. T. Piggott, C. G. Davis, A. H. Smith, W. A. Robinson, L. L. Parrine, E. H. Hungate, E. P. Kendrick, G. H. M. Barrett, H. M. Woodbury, J. C. McDonald, Thomas R. Reed, J. A. Wells, Fred Hamlin, Charles H. Cook.

Of the attorneys whose post-office addresses are given, thirty-five out of a total of ninety-seven are residents of Washington, D. C.

Very respectfully,

M. B. BAILEY,
Chief of Law Division.

By Mr. ENLOE:

Q. Did you prepare this paper?—A. I prepared the original; not that typewritten copy.

Judge PAYSON. Before cross-examination I want to ask him another question or two.

Q. Do you remember when it was, as a matter of date, that Mr. George E. Lemon, an attorney practicing before the Pension Bureau, began the filing of his slips for putting his cases on the completed files under order 151, the date they were first presented for filing?—A. I should say about the 8th of February.

Q. How soon after that were they acknowledged?—A. The 11th of February to him.

Q. How many slips were filed by him in the first installment?—A. About thirty-five; those are the figures.

Q. I will get you to look at this statement in lead pencil, and state to the committee what it purports to be.—A. It is a statement of attorneys, the number of slips that they filed during the month, or that were acknowledged to them during the month of February, 1890.

Q. The first month after order 151 went into operation?—A. Yes, sir.

Q. It went into operation in January, and this was in February, the next succeeding?—A. Yes, sir.

Q. Was that paper prepared by you?—A. Yes, sir.

Judge PAYSON. I offer that in evidence.

The following statement was here offered in evidence:

FEBRUARY.

P. J. Lockwood, Washington	1,854
J. B. Crallé & Co., Washington	1,754
George E. Lemon, Washington	1,493
Milo B. Stevens & Co., Washington, Detroit, Chicago, and Cleveland	909
T. W. Tallmadge, Washington	472
J. H. Hunter, Washington	446
A. W. McCormick & Son, Cincinnati	424
Louis K. Gillson & Co., Chicago	293
T. H. Kennedy & Co., Lawrence, Kans	67
John C. Starkweather, Romeo, Mich	95
J. H. Foxworthy, Lincoln, Nebr	61
A. P. Lloyd, Baltimore, Md	50
Lee F. Wilson, Shelbyville, Ind	43
F. Emmons, Boston, Mass	137
All others, making	6,059
Total for month of February, 1890	14,157

The WITNESS. This is not a statement of all the attorneys.

Mr. ENLOE. What is it?

A. It is a statement of the number of acknowledgments that were sent to the different attorneys, so far as the attorneys are mentioned, during the month of February, 1890, acknowledging the receipt of slips in regard to the completed files.

By Judge PAYSON:

Q. But this statement does not contain the entire body of attorneys; the rest is smaller in volume than that?—A. Yes, sir.

Judge PAYSON. I offer that, then, in connection with that statement, and that is all that I want to ask Mr. Williams.

(Paper received in evidence being letter dated May 27, 1892, in evidence on preceding page.)

By Mr. LIND:

Q. I would like to ask you one thing; was that abstract based on these original papers?—A. Yes, sir.

Q. These are the original papers made at the time?—A. Yes, sir.

Q. This bundle here?—A. Yes, sir; some 4 or 5 inches high; yes, sir.

By Mr. ENLOE:

Q. Have you got the original papers in the cases for the month, for the next month, March?—A. Yes, sir; they are on your lap there.

Q. What period of time does this file of papers cover?—A. From February 3, 1890, until some time in November of the same year; I think about the 13th of November. The last one there will give it.

By Mr. DUNGAN:

Q. Is there any one record of this sort prior to this date here?—A. No, sir; none of the slips were acknowledged prior to that date, the 3d day of February.

Q. Were other slips filed before this record began to be kept?—A. Yes, sir.

Q. This does not cover the slips that have been filed for putting cases on the completed files back of this date?—A. Oh, yes; it covers that. All those slips are in these reports, but we did not commence acknowledging them until the 3d day of February; but all these slips filed prior to that time come to my desk and are counted in these reports.

Q. Then this package of acknowledgments covers all the calls made?—A. All the slips filed up to the 3d of February are reported there.

Q. From the becoming public of the order?—A. Yes, sir; all the slips.

By Mr. ENLOE:

Q. Why didn't you copy this list showing the applications for cases to go on the completed files from the time that order 151 went into effect?—A. For this reason: that they commenced to file their slips. The order was issued on the 6th day of January, and they commenced a few days after that to file their slips. The slips came into the office from the mail division to the law division, and I received them on my desk and packed them up until I got instructions what to do with them. On the 3d of February we commenced to dispose of them by acknowledging them and sending them to the adjudicating division.

Q. You mean to say you didn't put any cases on the completed files for a month?—A. Not through order 151.

Q. Didn't attorneys have any cases put on the completed files between the 6th day of January and the 3d day of February?—A. Not through our office.

Q. I mean no attorney called up a case on completed-file slips?—A. Not that came to my desk; and they were all supposed to come there.

Q. You held all the attorneys' slips until the 3d of February before you sent any of them on to the adjudicating division?—A. I did, sir.

Q. Do you knew what date Mr. R. A. Dimmick, of Washington, D. C., filed his first application for cases to go on the completed files?—A. I know between what dates.

Q. Do know what date he filed his first one?—A. No, sir.

Q. Do you know about what date Mr. T. W. Tallmadge, of Washington, filed his cases?—A. Yes, sir, about.

By the CHAIRMAN:

Q. About what date was it?—A. About the middle of January.

By Mr. ENLOE:

Q. About the middle of January?—A. Yes, sir.

Q. Do you know when Mr. Curry, of Washington, filed his first?—A. If you ask me, do I know the date, I say no.

Q. About the date?—A. Yes, sir, they were all filed—perhaps I can answer the question generally—those were all filed between the 6th day of January and the 3d of February.

Q. You mean all these attorneys here whose names are on this slip filed between the 6th of January and the 3d of February?—A. Yes, sir.

The CHAIRMAN. We will identify this. This is Exhibit C.

By Judge PAYSON:

Q. You mean the 10th of February?—A. Yes, sir; prior to the 11th.

By Mr. ENLOE:

Q. You state here that Mr. Lemon's cases, that were placed on the completed files by this slip, were not earlier than February 8?—A. No, sir; I say that the first that were acknowledged were sent to the adjudication division by me on the 11th day of February.

Q. You state here, then, that Mr. Lemon did not file any prior to February 11, 1890?

Judge PAYSON. The paper does not state that, Mr. Enloe.

Mr. ENLOE [quoting]. "I send herewith statement of names of attorneys who filed slips prior to February 11, which was the date the slips filed by George E. Lemon were first approved."

Q. His first filing of those slips was not prior to February 8, 1890?—A. Yes, sir.

Q. You know he didn't file any before February 8?—A. I know from my recollection about it, and the circumstances connected with it; that is the date which I am able to fix upon it.

Q. Do you mean to state to the committee that George E. Lemon didn't file an application to have his cases put on the completed files between the 6th day of January and the 8th day of February, 1890?—A. As I have said, I can not give the date that these were filed; but it was not before the 6th, 7th, or 8th of February.

Q. This paper states that.

The CHAIRMAN. Let us understand the question. This purports to be an exhibit of the attorneys and of the dates upon which they filed applications under order 151, and you use this language: "That the slips first filed by George E. Lemon and first approved, his first filing of these slips being not earlier than February 8, 1890." That is what is put in writing. Do you approve that statement?

A. I don't propose to swear within a day. If you want me to I will explain it.

Q. You may explain it.—A. The explanation is this, that on the 3d day of February we commenced to acknowledge these slips, and commenced to acknowledge them in one of the rooms of the law division; and we had a small force, perhaps six or seven; and within a week of that time we removed into the first deputy's room (there was no first deputy at that time, and we moved into that room) which would bring it along about to the 7th or 8th; and during that time I remember Mr. Lemon, through Mr. Tabor, sent to the office some slips he had printed to comply with order 151, in relation to the completed files.

Judge PAYSON. Was that the first batch brought of Lemon's cases?

A. They were only samples, to see if we would approve of them. We made one or two corrections in these slips, and he took them back and made those corrections; and they were then brought back, and I remember distinctly the first that Mr. Lemon brought in; and it was while I was in the first deputy's room, which was along about the 6th, 7th, or 8th of February.

Q. You make a distinction between filing and acknowledging?—A. Yes, sir.

Q. You mean to say that Mr. Lemon didn't file any slips there under order 151 until the 6th, 7th, or 8th of February?—A. Yes, sir; I'll swear to that.

By Judge PAYSON:

Q. And in the meantime these attorneys had filed theirs also?—A. Yes, sir; and these were acknowledged before Mr. Lemon's were acknowledged.

By Mr. ENLOE:

Q. Mr. Lemon knew of the issuance of this order, didn't he?—A. I couldn't say what he knew.

Q. He sent down blanks there, you say?—A. Yes, sir; a printed slip.

Q. Along the 1st of February?—A. Yes, sir.

Q. Have you noticed whether Mr. Lemon is a man who attends to his pension cases very well?—A. Yes, sir.

Q. He is not usually negligent in his work, is he?—A. No, sir; so much so that he struck me at the time——

Q. As peculiar that he did not send in any?—A. Yes, sir; it struck me that he was not making any use of that order.

Q. How long had you been in the office before this?—A. I was appointed in August, 1882.

Q. You were there, then, during the time they were selecting the 35,000 cases to go on the completed files?—A. I was in the office; yes, sir.

Q. Did you know anything about the execution of that order?—A. No, sir.

Q. Did you ever hear of any record being kept of those 35,000 cases?—A. No, sir; I never saw any figures about it.

Q. Did you ever hear of any list of attorneys being kept showing whose cases were put on the completed files at that time?—A. Among these 35,000?

Q. Yes, sir.—A. No, sir.

Q. At the time they arranged those 35,000 cases you didn't keep a record?—A. We had nothing to do with that part of the work; that was in the adjudication division.

By Judge PAYSON:

Q. That was under order 149?—A. Yes, sir.

By Mr. ENLOE:

Q. The law division sent out notices when their cases were placed on the completed files?—A. At what date do you mean?

Q. Did you send out any notices to attorneys at that time of those 35,000 cases?—A. No, sir; that was under order 149, and they didn't file any slips; that was done by the office.

Q. But the office notified the attorneys whose cases were placed on the completed files at that time?—A. I don't know, sir.

Q. Did they do it through the law division?—A. No, sir.

Q. Did you ever hear anything about these cases being placed on the completed files in that batch of 35,000; whether Mr. Lemon had a very large number of them?—A. No, sir.

Q. Did you ever hear him talk about it in the office?—A. No, sir.

Q. You heard no discussion of the matter at all?—A. Yes, sir; I heard some discussion at the time as to the number of them that were complete. It was merely the talk around in the adjudication division.

By the CHAIRMAN:

Q. You are speaking of order 149?—A. No, sir; I know nothing about that.

Q. You did not keep this system that was inaugurated on the 3d of February; you are not keeping it up now?—A. No, sir.

Q. When did you stop keeping this list?

Judge PAYSON. You mean the witness or the office?

Mr. ENLOE. They are not acknowledging them now?

A. No, sir.

Q. Are they keeping a record of the attorneys now?—A. I think they are keeping a list of the numbers they received since. I won't testify to that.

Judge PAYSON. Are you on that kind of work now?

A. No, sir.

By Mr. ENLOE:

Q. I will ask Mr. Bailey, then. Mr. Bailey, are you keeping a record similar to this now?—A. No, sir; for the reason we don't send out the circulars of acknowledgment.

Q. When did that cease?—A. When they adopted this. That is incorporated in my statement.

By Mr. DUNGAN:

Q. Your statement will show all of that?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you remember what date this was adopted?—A. I don't recall; you will find that in the statement. I think it was in November, 1890.

By the CHAIRMAN:

Q. 1890?—A. Yes, sir; it shows there.

Q. That would be just after that table which you submitted, that run down to August 6?—A. That was in November or December of the same year; yes, sir.

Judge PAYSON. Be a little more explicit, and say why you keep the record in that form and adopted this method.

By Mr. LIND:

Q. That is explained in his general statement?—A. I have explained that in the general statement.

Judge PAYSON. All right, then; I didn't understand it that way. That is all.

The committee takes recess until 1 o'clock p. m.

AFTER RECESS.

TESTIMONY OF DANIEL W. VOORHEES.

DANIEL W. VOORHEES sworn and examined.

Examined by Judge PAYSON:

Q. State your name?—A. My name is Daniel W. Voorhees; I am a Senator from Indiana, and live at Terre Haute, Ind., when at home, and by profession a lawyer.

Q. Do you know Mrs. Hetty Ann Key, the widow of John Key?—A. Yes, sir.

Q. Do you remember the time of her making an application for a pension in the Bureau of Pensions?—A. Certainly.

Q. Have you looked at the records which are found on page 513, and following, in this printed record of this investigation?—A. I have looked at it; that is the case.

Q. This committee, Senator Voorhees, is charged with the investigation of alleged abuses and favoritism in the Pension Office; and in this record is the record of the proceedings in that case in connection with the testimony of F. M. Taylor, who was a special examiner, and who has criticised the action in connection with that case; and I will get you to state to the committee first, from your knowledge of this case, and what you had to do with it in its adjudication, whether there was any, or have you had any reason to believe there was any, partiality or favoritism whatever in connection with the adjudication of that case?—A. On the contrary, I will say to the committee that I was anxious, and complained about the delay which took place in connection with that case, and will give you my reasons why.

Q. All right; I wish you would state to the committee all there is in connection with that case.—A. I knew Judge Key between thirty and forty years. We were exceedingly intimate. He had been a judge on the bench, and after he left the bench and began practicing law he was in the same town with me. We were law partners for several years. When the late war broke out it pretty much broke up the practice of law in 1862, and I was here in the lower House and Judge Key went into the war with the rank of a major, and he got into a little trouble with Stanton, and in which the great Secretary, as he is called, showed his strength as well as his disposition in dismissing him. It was afterwards corrected and an honorable discharge was obtained. During the time that Judge Key, or Maj. Key, was in the service he was South most of the time, and part of that time he was, as I remember, at Corinth, Miss. I may be mistaken in regard to that, though I think he was there, and during a very sickly season. I knew him so well that I knew he was in good health when he went into the war, in perfect health when we were in office together. He wrote home very despairingly about his health to his wife; and when he came home he was unquestionably a very sick man then, and had been very sick. It is a matter of historical fact that at that time that was one of the sickliest places on earth in this country. People were sick all the time there at Corinth. Judge Key came back with a very serious attack of yellow jaundice, which culminated in his death; at any rate, I know from that time on he was laboring under this affection of the stomach and bowels; and he would have died long before it but for the fact he was a man of splendid courage and great self-reliance.

Of these facts I was aware—I might say from the fact that we had

been in office together; and even after our relations as partners ceased, our relations were those that rarely obtain between man and man; and my relation with his family was of a very peculiarly friendly nature; my family and his were very intimate friends. When he finally died, as he did, here, Mrs. Key fell ill herself, with a nervous trouble which so endangered her health that physicians gave her up to die. She finally met with some help from Dr. Reagan, and it was finally understood her only chance was the Rocky Mountains; and I, under those circumstances, pressed General Raum with all the force I could bring to bear to get him to take up the case and dispose of it, in order to get her to the mountains and give her a chance for her life. Owing to the extreme urgency of her broken health, I pressed these facts upon him unceasingly; and I came up here from my home when I was entirely unfit to travel myself, as I was very much broken in health; but I came up here to see what I could do in regard to this pension matter; her condition was such that she needed it very much. Judge Key, while during his lifetime had been a man of some means, died, leaving no property; and I made the necessary supplemental affidavit to Gen. Raum, stating that she was destitute of support, and urged upon him to take the case up and act upon it immediately. Dr. William T. Sherrod was the physician, and was also a distinguished officer in the Mexican war. He was a surgeon down there from my State; and I knew him very well indeed. He treated Maj. Key, and he had treated him also at Corinth for this disease. I saw Sherrod afterward, and talked with him about it. Sherrod is dead now, and I made this statement as secondary evidence—evidence proceeding from a man who is dead; and the only way his testimony could be brought to the office was by proving the statements made by him.

Further than that, you will find in Mrs. Key's statement, under oath, extracts from letters received by her from Maj. Key out there, in which he mentions calling upon Dr. Sherrod, and he treated him. These extracts are from letters which I saw, and I know his handwriting as well as I know the face of any man in this committee room, and I know the letters were genuine. He wrote those letters, stating that he was sick, and I afterward saw Dr. Sherrod and he made the statement to me which I have already detailed here. When Maj. Key came back to Terra Haute, where I have lived for the last thirty-five years, he was treated by Dr. John Wood, who I knew well, and who is also dead. He was also treated by Dr. Ezra Reed, who is also dead. These men are all dead now. He was a brother of Commodore Reed, who was killed in the fight down the river. After Maj. Key returned he was treated by Dr. Garnett, who was also my physician when he was alive. He is also dead. These facts I stated in my affidavit as my own personal knowledge. As to what the rules of proof are is not for me to determine, but of the fact of Maj. Key having chronic diarrhea from the time he came out of the Army until he died, and that he died of it, I naturally do know, necessarily do as well as a man could who was not a medical man. I was with him constantly, knew his habits of life, his many calls of nature, and his great suffering, and I stated there in my affidavit, towards the close, it was the most flagrant case of chronic diarrhea I ever saw, and I can say to this committee that never in my whole life have I done anything that commmended itself more to my own judgment and conscience than that case did.

Q. In securing this allowance?—A. Yes, sir. I have now stated to the committee the reasons why I pressed the Commissioner all I could. I would have pressed him more if I could. The man was dead and the

woman was dying, and she would have died if I had not got her out to the Manitou Springs, in the Rocky Mountains. She had no money to go with, and all these things I told Gen. Raum. I not only made my affidavit, as you will see (and I think I have covered all the points I made in the affidavit), I not only made those affidavits for the action of the Department, but I pressed these considerations upon Gen. Raum's attention; that if she was to have a pension at all it ought to be as nearly immediate as possible for her to have any relief. She is now in the Rocky Mountains, and has improved in health, but she is still a great invalid. They were very close people to me, but at the same time I have done no more than I would have done for anybody else under the same circumstances.

Q. You may state to the committee whether in the action of the Commissioner in the allowance of that case, or any actions in connection with it—in fact was he known to do anything but the right thing in connection with it?—A. Why, certainly not. I have known Gen. Raum since he was Commissioner of Internal Revenue. My personal relations with him have been civil and polite; but not such that I can go and say to him, I want you to do so and so on my account. Since Mr. Enloe has come in since I have been testifying I shall have to repeat myself to this extent: I urged the necessity of that case with all the force I could to have action taken upon it without delay; and I got up out of a sick bed—I was all broken up last summer in health myself—and I came here when I was not fit to come, not fit to travel at all; but I came here to see what I could do on account of Mrs. Key's dying condition; and this pension was the only chance she would have to breathe the Rocky Mountain air through her lungs; and if anybody is to blame I am to blame. I pressed it with all the force I could, and Gen. Raum never intimated that he did this on my account. I complied with the rules, showing that she was dependent, and she had no other means of support; and I tried with all might to have it made special, and pushed it all I could. The evidence is there. I did not pass upon the evidence. My two affidavits are there; I made a supplementary affidavit as to the death of these doctors, and that they had passed upon it. I see that Mr. Taylor commits an error in one thing, and it is very misleading. Mr. Taylor says that I was aware that the doctor only knew the man for a little over a year before his death. Instead of that, this is what Dr. Appleby says:

I knew Maj. John J. Key for about seven or eight years prior to his death, and was his physician during his last illness.

The WITNESS. He attended him only for a year, but he knew him seven or eight years. The statement of Mr. Taylor is that he had only known him for a year; but instead of that he had treated him for a year, but had known him seven or eight years. [Witness, reading from record:]

He died of a catarrhal condition of the stomach and bowels. He told me that he had suffered from chronic diarrhea for many years. It was in 1885 that I became professionally acquainted with him. He died in October, 1886. I treated him off and on from August, 1885, until his death, in October 1886.

The WITNESS. So that he knew him longer than Mr. Taylor stated. That is all I can think of which I wish to testify about. If there are any questions which the committee would like to ask me, I would be very glad to make any explanation of my statement. I have done a good many things to help people in public life, but never anything that was more in accord with my conscience of what was right than this.

Judge PAYSON. That is all.

Mr. ENLOE. I do not wish to cross-examine.

TESTIMONY OF M. B. C. WRIGHT.

M. B. C. WRIGHT, being duly sworn, testified as follows:

Examined by Judge PAYSON:

Q. What official position do you hold in the Pension Office?--A. I am a reviewer in the special examination division.

Q. What was your position in the months of January and February, 1890?—A. I was chief of the miscellaneous section of the middle division.

Q. Do you know V. M. Hodgson, who has testified here?—A. I did know him, yes, sir.

Q. What was his position with reference to you?—A. He was under me.

Q. A subordinate in your section?—A. Yes, sir.

Q. Have you read his testimony?—A. Yes, sir.

Q. I will ask you this in regard to his statement of certain carts—certain carts loaded and being dumped in the rear of his desk. Do you know what the actual measurement of those carts is?—A. Yes, sir.

Q. State to the committee what it is?—A. Two and a half feet in length, and 1 foot 11 inches in width, and 1 foot deep.

Q. Do you know how many cases one of those carts will hold when filled?—A. At the instance of Gen. Raum I made a measurement of a cart yesterday. Gen. Raum sent for me, and I read Mr. Hodgson's statement; and when I read that he said those carts would hold four or five hundred cases I said that was an error; and Gen. Raum did not seem to think I was right about it, and asked me the dimensions of the cart, and I told him——

The CHAIRMAN. The question was, how many cases do you think they will hold?

A. By measurement yesterday they hold 103 cases.

By Judge PAYSON:

Q. Were you present during the work that was done after the promulgation and during the execution of orders 149 and 151?—A. I was.

Q. At the same time the cases came to your division or your section for this work can you tell about how many cases there were?—A. I have no recollection or no data to govern me in that; but taking Capt. Hodgeson's statement of three wagon loads I should say there was not over 325 or 350 in the three wagon loads.

Q. Have you seen his statement in regard to handling about 300 cases per day?—A. I have.

Q. What do you say about that?—A. I don't think that is true.

Q. What is a good day's work?—A. Fifty to sixty cases is a good day's work.

Q. And was then?—A. Yes, sir.

Q. He makes a statement again in his testimony that the cases were sent, in one sense of the word, for adjudication to your division.—A. That is an incorrect statement. We were not adjudicating cases at all. They did not adjudicate any cases then.

Q. He goes on to state "the cases were drawn up on these slips under order 151, and put down behind our desks, right behind my desk, to be examined, and see if complete and notify the attorneys of the fact, and the status of your case." Did any of that work occur in your division?—A. Notification of the status of the cases would be forwarded to the attorney in case he sent a slip, but the completed file slip has no con-

nection with our division whatever. We handled no claims that were in the process of adjudication at all.

Q. What was the work you did there as to handling cases in connection with these slips?—A. The work of the miscellaneous sections of the division is applied solely to the certificate division unless they had been admitted and calls had been made and sent to the miscellaneous division for answer—persons asking for the ground of new disability, or something of that kind.

By the CHAIRMAN:

Q. Is this the work you were doing at the time Mr. Hodgeson was there and testified about?—A. Yes, sir. If the evidence was sufficient to reopen the claim we did not pass upon the merits of the claim at all, but by writing a slip to a special-increase examiner for new disability. If the attorney asked the status of the case I gave it to him, and in reply I said the claim was admitted on such a date, or the application for increase had been rejected on such a date on such a ground.

By Judge PAYSON:

Q. That was on an inquiry?—A. Yes, sir; by the attorney or claimant.

Q. But not on the completed-file statement?—A. No, sir. The completed file slips Capt. Hodgeson referred to are completed-file slips filed in the claim in process of adjudication at the time, that had passed from the hands of the examiner and were in the hands of the board of review, or medical division, or certificate division, if you please, and while in transit themselves. It is hard to keep track of those cases. This completed-file slip is held in the file of the middle division until after the process of adjudication has been consummated; and then the cases were called from the admitted files down, and the duties of my section men and examiners was to take the completed slip and send it back.

Q. Then the completed-file slip furnished by attorneys in this way had nothing to do with order 149 or order 151 at all?—A. Not so far as my section was concerned.

By Mr. ENLOE:

Q. That wagon which you speak of measuring the dimensions of it to see the number of cases it would hold, do you say that it would hold about 103 cases of any character of cases that were in the office?—A. In the ordinary run, Mr. Enloe, of the certified cases, that covers all the papers in the case, and they run in pretty fair-sized jackets ordinarily.

By the CHAIRMAN:

Q. Let me ask you to do this; you are answering a question in a very long way, and there is no use in filling up the record in such a way as that. This question was if you knew, or in your own opinion you thought those carts would hold about 103 cases.—A. Yes, sir; I measured it yesterday, and I put in 103 cases, and possibly by crowding it I could make it 125. The average cases will not exceed 125 under any circumstances.

By Mr. ENLOE:

Q. Then you didn't make the test with the average cases?—A. I took the cases just as I found them in the admitted files. I took the first lot of the admitted cases that I found.

Q. You could have gone to any part of the files, I suppose, to make

your selection of the cases?—A. It was the first time I was ever in the admitted-files room in my life. I went in at the request of the Commissioner, and took the first pile of cases I came to.

Q. You found a pile of cases up there all ready to make the test?—A. Ready to be sent to the southern division or just received from them.

Q. You didn't go in there and select out from the files just as you found the files; you just found those ready to be forwarded?—A. I found them in the same bin that the chief of files told me they were in when they were sent to my section, when I was chief.

Q. Do you know whether or not Gen. Raum had those cases collected for the purpose of making this test before sending you in there?—A. No, sir; I do not. I think not, though.

Q. Why?—A. Because it was after I made this suggestion that he told me to do it.

Q. Did he come to see you about that?—A. No, sir; he did not.

Q. How did it come to be a subject of discussion between you?—A. He sent for me to come to his office, and he asked me if I was chief of the miscellaneous division when Capt. Hodgeson served there. I told him yes. He then asked me if I saw Capt. Hodgeson's statement; and I told him no. And he showed it to me and asked me my opinion.

Q. When did you have that conversation?—A. Yesterday afternoon.

Q. This was the time he wanted to inquire about as to the capacity of these carts and the relative correctness of Mr. Hodgeson's statement?—A. I presume so, from the fact that is the question he asked me.

By Mr. LIND:

Q. Are these cases that you put in, in your judgment, cases of average size?—A. They were, sir. If anything, I think they were among the extremely large cases that would ordinarily come to me, that would come to my section when I had charge of that class of work.

By Mr. ENLOE:

Q. Do you know whether the cases are larger now or not?—A. I suppose so, because of the accumulated business in the interim.

Q. You say you did not do any adjudicating in your division. Did you read what Mr. Hodgeson said about that?—A. I believe he used the expression that in a manner we adjudicated claims.

Q. Didn't you explain that you did adjudicate them in a certain manner?—A. Only where the question of age or date of commencement in which there was an absolute error. That I sent back to correct the date of commencement or the rate.

Q. During the examination of those 35,000 cases you had nothing to do with?—A. No, sir.

Q. Your division had not?—A. My section had not.

Q. Was he in your section?—A. Yes, sir.

Q. Then you say he did not examine any of those cases?—A. No, sir; it was no part of his work.

Q. What was he doing there?—A. He was doing the regular work of the miscellaneous section.

Q. What is that?

By the CHAIRMAN:

Q. He was handling the files, was he, those which were behind his desk?—A. No, sir; the work was sent down to the admitted files every morning. It came and laid there and was distributed on the desks of the different examiners of the different sections, and they would take that

up and answer them, whatever question that might be detailed on the outside of the case.

By Mr. ENLOE:

Q. You say there were some men in your division engaged in this work?—A. In the middle division there was 159 or 160 men. My section has 7 or 8 men and they had nothing to do with the adjudication of any kind of claims.

Q. Do you know whether any men were detailed from your section to examine the files at that time so as to see what cases were complete in preparing the cases to put on the completed files under order 149?—A. I believe there were none, sir. That would be the duty of the adjudicating examiners.

Q. Do you know whether there was or not?—A. I could not swear positively to it. I am quite well convinced, however. If it was done it was done without my knowledge as chief the section.

By the CHAIRMAN:

Q. Under what order did those cases come into your section?—A. I presume under order 151 or under order 149. Under one of the two orders.

Q. Do you remember the time soon after order 149 was issued when a large detail of men was made to go through the files and select out what they supposed to be completed files?—A. I know that at the time.

Q. Were these papers that were dumped behind Mr. Hodgson's desk a part of these files?—A. I don't know, sir.

Q. That you don't know?—A. No, sir.

Q. If you wish to explain anything in your testimony which you have not explained you may do so now.—A. We had no word nor choice nor hand in the selection of the work. The admitted files, where the claim had been completed, it is stuck away in the files; and when a communication is received it is attached to the outside of the case, and then sent to the proper adjudication division to consider the character of that communication and make such reply as may be necessary; and we had no voice in the handling of the claims that came to us. They were sent to us, and we took them just as they came. I don't think I ever received officially a copy of order 149 or 151, because they did not apply to the character of work in my section or the work that was being done there.

By Mr. ENLOE:

Q. You think in the handling of the cases which Mr. Hodgson had the opportunity of handling he would know who the attorneys were?—A. If he chose to make that a special matter, yes, sir. I know I wouldn't in handling 20 or 30 or 40 cases; I know I would not be able to tell you who the attorney was unless my attention was called to it.

By Judge PAYSON:

Q. Did I ask you—if I did, I do not remember—whether it is the practice that Mr. Hodgeson should write attorneys and notify them of the status of the case when the completed file slip was attached to it, when he was doing the work in your division?—A. Simultaneous with the completed file slip being sent there in company with a communication from an attorney asking for the status of the case that never had been answered, the examiner would be instructed to notify him that the case went to the board of review at such a date, or was admitted at such a date.

Judge PAYSON. That is all.

The committee adjourned until 10:30 Tuesday, May 31, 1892.

WASHINGTON, D. C., *Tuesday, May 31, 1892.*

The committee met at 10:30 a. m.

Present, the chairman (Hon. H. H. Wheeler), and Messrs. Brosius, Dungan, and Little, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF THEODORE SMITH.

THEODORE SMITH appeared before the committee on his own motion, and, after being duly sworn, read the following statement:

GENTLEMEN: In the printed testimony produced before your committee it appears that the honorable Commissioner of Pensions said: "I presume Mr. Smith will be present after awhile, and will want to be heard;" and the Hon. Mr. Enloe said: "It is very material that he should be."

Notwithstanding Mr. Enloe's assertion, he did not subpœna me. Although it is nearly two years since I severed my connection with the Pension Bureau, your printed testimony contains many things reflecting upon me. In justice to myself I ask that the following statement may be incorporated in your proceedings:

If the unsworn statement of Fred Ruhl was printed in your testimony before the court-martial record of myself it would, to persons who do not notice the dates of the same, without doubt, cause a different impression in regard to my alleged conduct with Mrs. Ruhl. Ruhl's statement was made at the instigation of and presented to the department commander by Lieut. Crews, an officer who has since been dishonorably dismissed from the Army. It will be noticed in my statement to the court-martial I was anxious to meet and had means to disprove Ruhl's allegations. It is true that in time of peace I absented myself in 1873 from my command for a few days, and because of such absence was tried by a court-martial and punished therefor. It is also true that the court-martial, in consequence of my previous good character, recommended me to the clemency of the department commander. It is also true that I was subsequently restored to duty with my company, and eventually discharged upon a certificate of disability. Whether or not the alleged extract from the office of the Judge-Advocate-General of the Army is true I have no means of knowing, never having seen the original papers, but I think a certified copy over the signature of the chief of that Bureau would be better evidence than the statement of a person not connected with it. My offense was not, in my opinion, the cause of my separation from the Pension Bureau. There are to-day, if I am credibly informed, men in that Bureau who were dismissed from the Army; something that never happened to me.

I have been unable to secure a full report of the testimony taken by you, but will endeavor to explain the charges I have seen made against me.

Referring to the charge of bribery by Mr. Stover, my affidavit published by you is an answer thereto.

So far as my resignation, or so called dismissal, is concerned, I would state that several months before I left the Pension Bureau I tendered my resignation, in writing, to Commissioner Raum and on several occasions verbally informed him of my intention to resign. When I learned of the charges made by F. M. Taylor I told the Commissioner that I had no desire to remain in the service provided that he or the Secretary of the Interior, a gentleman whom I have never had the pleasure of

meeting, did not wish me to continue there. I called upon Assistant Secretary Bussey and made the same statement to him and he assured me that the Secretary did not wish me to resign, but that he deemed it advisable that some other person should be placed in charge of the special examination division. I then told Gen. Bussey that I would take thirty days' leave of absence, and at or before the expiration of the leave I would resign or announce my willingness to accept any assignment that might be made. He said that that was satisfactory.

Some ten days afterward I received a letter, over the Secretary's signature, requesting my resignation at the expiration of my leave. I did not wait for the time set by him, but resigned to take effect two days afterward. The Secretary's and others' insinuation that I was dismissed from the service is not absolutely correct. I have been informed that he asked others to resign who failed to comply with the request. Gen. Bussey, in answer to the question as to whether he had had his attention called to the fact that I was employing spies to watch and report upon employés of the office, said, "I may have heard something of that kind, but I do not recollect anything now." Never at any time did I employ, or countenance the employment, of any person to spy upon any other person, save in one instance, and that was when I learned that F. M. Taylor was conveying information to the Secretary about myself, when, at my own expense, I employed a man to watch Taylor, and, if the committee desires, I think I can furnish it with that man's report.

Referring to the indorsement of the Secretary of the Interior in reference to J. E. Engle, "He was under Theodore Smith, which may explain a great deal," I would say that at no time while I was connected with the Pension Bureau was Engle under me, nor did I at any time while I was in the Pension Bureau report, or was a party to any report, reflecting in any way upon the character, or lack of character, or standing of Engle. Neither was I cognizant of the intention upon the part of the Commissioner to dismiss Engle.

In reference to the Secretary's indorsement about Fawcett, "I think this has been some of Smith's work," I would say that the distinguished gentleman is again mistaken. The only report I ever made about Fawcett is in your printed testimony, and was addressed to Mr. Tanner. His first dismissal by Mr. Tanner was without recommendation from me, and his second dismissal by Gen. Raum was without my knowledge or participation in any manner.

So far as relates to my severance from the Pension Bureau during Commissioner Black's administration, I would say that the charge of "offensive partisanship," a serious crime, was made against me, and D. C. Gentsch, the then chief of division to which I belonged, reported to the Commissioner that the charge was proved. At the same time I was charged with using disrespectful language about President Cleveland and his wife, which was an infamous falsehood, but although I did not see Gentsch's report in reference to same, I was informed that he reported that that charge was not proved. I resigned from the Pension Bureau in August, 1888, and was informed a few days afterward by the chief clerk of Bureau that if I wished I could return after the election.

The charges of Mr. Dugan that I was favored, while a special examiner at Philadelphia, during Gen. Black's administration, were investigated and found to be without foundation.

As my examination of Ballard's case has been approved by the Pen-

sion Bureau and the Department, I presume I can say that that charge is disproved.

W. H. Barker, in his testimony, stated that I wanted to know something about Gen. Bussey, whether true or not, so long as it was a slander. I never sought information from him, nor anybody else, reflecting upon Gen. Bussey. Barker at one time volunteered a statement to me reflecting upon the personal character of the Assistant Secretary.

I knew nothing of the intention to dismiss Mr. Peyton. I was not in the service at that time. I never, at any time, was a party to any movement against him.

I have not seen a copy of all the testimony taken by your committee, but I read in the newspaper accounts of same that Mr. Enloe said he is in possession of information that I made false charges upon which persons were dismissed from the Pension Bureau. At no time did I ever make a charge against any employé of the Pension Bureau unless in writing, which is, or should be, a matter of record there. At no time did I ever write an anonymous communication. At no time did I ever whisper anything detrimental to any man, or ask that any such communication be considered confidential. I challenge the closest investigation into the charge made by Mr. Enloe.

Referring to J. B. Greenwell, my letter printed in your proceedings shows why he was dismissed. I had positive proof of his conduct as stated by me. I knew no more of his politics than the committee does. Mr. Peyton wrote to me that Greenwell was a Democrat, and Mr. Pierson told the Secretary that Greenwell was as good a Republican as he, Pierson, was. Perhaps he was.

Mr. Wayson's statement that he believed some of the employés discharged were objectionable to me is hardly a fair one. Neither he nor any other person can cite a single instance wherein I allowed my personal prejudices to influence my official action. Mr. Wayson is mistaken in stating that I opposed Eager's restoration. Mr. Eager would not have been restored, at least when he was, had I not made an appeal for it.

As I stated before, I have not seen a copy of all the testimony taken by you, or I would meet every charge, if there are more, made against me.

The court-martial recognized the fact that my previous character had been good. I have lived here ever since my discharge from that regiment, and believe my reputation here is good. In support of same I submit a few letters from prominent gentlemen who personally know me. These are not perfunctory indorsements.

I invite the strictest inquiry into all of my official acts and do not fear inquiries into my private ones.

Referring to the implied charge that my resignation was asked for because of bad character, I deem it proper to state that one of the requirements to practice as an attorney before the Department of the Interior is that the applicant must be of good repute. I was admitted to practice there within a very few days after my resignation.

Mr. DUNGAN. I am inclined to think if this is the Theodore Smith whose name has been used so much before this committee, that Mr. Enloe had better be present.

The WITNESS. I will appear before the committee for cross-examination at any time he may wish. I only suggest my reading this statement now to save the time of the committee.

(After the witness concluded the reading of the typewritten statement, he states as follows:)

The WITNESS. Now, I have the original letters here and I will file them with you if you desire. They are copied there in this statement.

The CHAIRMAN. So far as those letters are concerned I have some doubt as to their being admissible. They are not sworn to and we have never seen the man, and have no opportunity to judge who and what they are.

The WITNESS. You admitted such things as that, Mr. Chairman, and they are correct copies; there is on doubt about that. You can see the original papers if you like. (At the suggestion of members of the committee witness corrects statement which he read in regard to dates and also put in a name.)

The CHAIRMAN (to Mr. Enloe). Do you want to take time to read that over before cross-examining him?

Mr. ENLOE. Yes, sir.

The WITNESS. I would be very glad to have you do so and will appear at any time for cross-examination. I think, Mr. Chairman, you ought to let these letters go in evidence.

The CHAIRMAN. You keep the original letters and we will look this over and decide about it.

(After consultation on the part of the committee it was decided to admit the written statement of the witness, but to exclude the letters, as they are incompetent.)

TESTIMONY OF W. J. BROOKS—Recalled

By Judge PAYSON:

Q. Mr. Brooks, I will get you to state to the committee what you may know with reference to the facts connected with the presentation of the indictment against De Arnaud, to which reference has been made in this investigation, for false impersonation, and so forth?—A. The first step in this case, in this matter, was this slip, which was referred by Mr. Scudder——

Q. (Interrupting.) Who is Scudder?—A. Mr. Scudder is one of the clerks of the Commissioner, in the Commissioner's room. And by him referred to the chief of the special examination division, and by the chief handed over to me for investigation.

Q. Now read that slip, there, so the reporter can get it.—A. I have a copy here and I will give it to the reporter.

Q. Put the copy in at that point.

The following is a copy of slip referred to by the witness.

No. 582443.

[Charles A. De Arnaud, alias Alfred De Arnaud, Capt. F, 5th Mo. Inf.]

CHIEF OF SOUTHERN DIV.:

The attention of the Commissioner has been called to the probability that the person who is personating the soldier is an impostor; that the real De Arnaud is sick at Hot Springs, Ark., whereas the person who makes this claim resides in this city.

The Commissioner directs that the matter be sent to the S. E. Div. for an examination.

Gen. Boynton, the correspondent of the Cincinnati Commercial Gazette should first be consulted, as he has considerable knowledge of the case.

W. H. SCUDDER.

JULY 2, '90.

The WITNESS. That slip was referred to me with this letter of instruction.

Judge PAYSON. Put that letter in there.

The following is a copy of letter referred to by witness:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., July 3rd, 1890.

Mr. W. J. BROOKS,
Special Examiner, present:

SIR: Enclosed find papers in case No. 582443, Chas. A. De Arnaud, alias Alfred Arnaud, late of Co. F, 5th Mo. Inf'y. These papers are submitted to you for thorough investigation to determine whether the claimant in this case be the soldier who rendered the service. In this connection your attention is directed to the accompanying slip, dated the 2nd instant, signed W. H. Scudder.

Give the matter attention at the earliest practicable date, and submit your report, marked, "For the personal consideration of the Acting Chief, S. E. Division," in which this letter and slip herein referred to should appear as exhibits.

Very respectfully,

GREEN B. RAUM,
Commissioner.

(Page 2, Exhibit A.)

The WITNESS. I called on Gen. Boynton, referred to in the slip, and he informed me he had received a communication from a correspondent of a paper, I think published in Jersey City, that Charles de Arnaud, who was an applicant for a pension here was not the identical Alfred Arnaud, who was captain of Company F, Fifth Missouri Volunteer Infantry. I came back to the office and again consulted the chief and assistant chief of the special examination division, and thereupon this letter was addressed to me, instructing me to go to Hot Springs, and St. Louis, and other points if necessary, to ascertain the truth of the allegation.

Judge PAYSON. Put that letter in here.

The following is a copy of letter referred to by witness:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., July 14, 1890.

Mr. W. J. BROOKS,
Special Examiner, present:

SIR: Inclosed find papers in case 582443, Charles A. De Arnaud, alias Alfred Arnaud, late captain Company F, Fifth Missouri Infantry.

In furtherance of an investigation now being conducted to determine whether the claimant is the person who rendered services alleged, you are directed to proceed at once to St. Louis, Mo., Hot Springs, Ark., and such other points as may be necessary, to definitely determine whether a fraud has been committed. Complete the investigation as rapidly as possible, as the statute of limitations will expire on the 17th of August, 1890.

Submit your report, in which this letter should appear as an exhibit, marked for the personal consideration of the acting chief southeast division.

Very respectfully,

GREEN B. RAUM,
Commissioner.

(P. 3, Exhibit B.)

Q. Did you ascertain the fact that it was a false impersonation?—A. Yes, sir.

Q. Then what next was done?—A. Then I returned and again consulted the chief and assistant chief as to the mode of procedure, and by them was advised, in view of the fact of the short space of time in which the statute of limitations would run out against the offense, to consult the district attorney relative to instituting criminal prosecution. I did see about that institution, and a special session of the grand jury was convened and the indictment found.

Q. Now, you may state in all this action whether or not there was any personal conference between yourself and the Commissioner with reference to this matter?—A. There was no conversation or communication at all between the Commissioner and myself relative to the proceedings in this case. In fact, I don't believe the Commissioner knew anything of it personally until the case was tried and he acquitted. I think then I did say something to him about the acquittal of Arnaud. But that was the only time there was any communication between the Commissioner and myself relative to the proceedings.

Judge PAYSON. That is all.

By Mr. DUNGAN:

Q. Do you know whether or not before that time Commissioner Raum had acted as this same De Arnaud's attorney?—A. I don't, only what the papers say there. I had no personal knowledge of it.

Q. Was his connection in that regard before this action?—A. The papers show it.

Q. The papers show that fact?—A. Yes, sir.

Q. That was the indictment that De Arnaud himself has spoken of and of the charge contained in which he was acquitted?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you present at the trial, Mr. Brooks?—A. Yes, sir.

Q. And you were present when the verdict of acquittal was rendered?—A. I was.

Q. How long after that before you notified the Commissioner?—A. I can not tell you exactly, but I think it was the same day. I would not be positive about that.

The CHAIRMAN. That is all.

TESTIMONY OF M. B. BAILEY—Recalled.

Examined by Judge PAYSON:

Q. Mr. Bailey, do you remember the circumstance of the filing of the first batch of slips from Mr. Lemon' before the Pension Bureau under order 151 for placing the cases on the completed files?—A. Yes, sir.

Q. About what date was that when they were presented for filing?—A. Mr. Taber came in first with some slips which I thought were all right, but I called in Mr. Williams, who testified before this committee at the last meeting, and told him to look them over and see if they were all right, and he did so, and did not approve of them for some reason. So I told Taber they were not in proper shape and he took them back to make the corrections, and when he returned Williams was in the first deputy's room at work there with his force, and I sent them in there. The work was begun on the 3d day of February in my division, which was Monday. They remained in my own room during the week and took possession of the first deputy's room the following Monday, and those slips I think were filed about the 10th or 11th.

Q. Of February?—A. Yes, sir. I have stated in my written statement that they were not filed prior to the 8th. I say that because they did not come in to Williams until after he went into the deputy's room, and that was on the 10th.

Q. Did you in the fall of 1890 make any estimate of the relations of attorneys in Washington and attorneys in the country to the completed files with a view of determining about the percentage of each?—A.

Yes, sir; on the written request of Mr. Goodnight, who was a member of the committee last year.

Q. What committee do you mean?—A. I mean the committee which was investigating the Pension Bureau last year.

Q. You may state what the result of the investigation was as to percentages?—A. I found that 22 per cent of the cases that were placed on the completed files were placed there on the request of Washington attorneys and 77 per cent and a fraction by those outside, including the claimants and all outside attorneys.

Q. Now as to Mr. Lemon, what percentage of claims did you find he had filed in the office?—A. At the time this was made during the latter part of the year, in October I think, about 6 per cent and a fraction of Lemon's cases.

By Mr. DUNGAN:

Q. You mean 6 per cent of the entire amount or of the 22 per cent?—A. Six per cent of the entire amount.

The CHAIRMAN. What date was that? What time did it include?—A. Up to the time I made this statement to Mr. Goodnight from the beginning of the order.

By Mr. ENLOE:

Q. Up to about August?—A. I think up to August or September, possibly a little later. I know after we got through with this testimony Mr. Goodnight gave me this memoranda, and I think he came down to the office, and I showed him what we had here the other day, those daily reports.

Q. Did he ask you to give the percentage of the Lemon claims?—A. He did.

Q. Ask you to give them all and give the percentage of Lemon's, too?—A. Yes, sir.

Q. This is the slip, is it?—A. Yes, sir. I did not introduce that. I had already submitted the table. I am giving that as the result of an estimate I made at that time.

Q. I hand you this and ask you to read it, this statement of Mr. Goodnight?—A. I say this is a slip Mr. Goodnight gave me and I say also he came to my office and as a result of our talk I also figured this up in regard to Lemon's slips.

Q. How many attorneys are there in Washington City?—A. We have no way of knowing; there are quite a large number.

Q. How many do you suppose?—A. I suppose there are in active practice now several hundred; probably two or three hundred.

Q. Pension attorneys?—A. Yes, sir.

Q. How many in the United States?—A. We are trying to determine that accurately now. When I first went into the law division we had the attorneys' book, which embraced everything. We figured at that time 37,000 or 38,000, but before, in making our estimate there, we had on our books what is supposed to be 50,000 or 60,000, but when we come to get out all those it will only leave probably 37,000 or 38,000. Now there are fewer still practicing before the Bureau.

Q. You have got some 37,000 or 38,000 now?—A. Yes, sir; those are the names. I don't think there are that many in actual practice; I don't believe there are.

Q. I saw the statement which I think you made in the former investigation that there were about 60,000.—A. That was before we ever went over the books. Our books had everybody on. After that investigation in some way, for some reason, we went to work to correct

those old books to get the names of a great many which ought not to be on there. A great many names are repeated. The books were in very bad condition.

Q. Do you know whether there is any method by which we could ascertain the amount of fees paid by the Pension Office to Mr. Lemon by going to the Pension Office and examining any records there?—A. No, sir; we do not have it there.

Q. Is the practice of paying a pension attorney, having the Pension Office collect the attorney fees and pay them to him—is that the rule of the Department or is it a law?—A. It is a law and has been since July, 1884.

Q. Before that time had it been the custom of the Pension Office to act as a collecting agency for the attorney?—A. I don't think they did then, nor they don't now.

Q. Where by any oversight a check is sent to the pensioner without deducting the fee of the attorney, has not the Pension Office very persistently labored to have the fee returned and paid to the pension attorney?—A. Yes, they correct their own errors.

Q. If such an error as that occurred, the pension attorney has no recourse on the Pension Office, has he?—A. I think not. If you mean legal right of action against him, I don't think he has.

Q. Would you think it a more important matter to write letters to a pension attorney, or rather to a pensioner, asking him to correct an error in the payment of a fee than to answer the correspondence in reference to pension claims?—A. I don't quite understand that question.

(Question read by reporter.)

A. I would class that as one matter. I should think it would be all correspondence with reference to pension claims.

Q. You would not think that would be any more urgent in attempting to rectify an error in regard to a pension attorney than to answer in regard to a pension claimant?—A. I don't know. We would take it up when we reached it in its turn, both of them.

By the CHAIRMAN:

Q. Does your statement there show the whole number of cases put on the completed files up to the time you made it?—A. Yes, sir; it did; and the statement I submitted the other day—the one to Mr. Goodnight?

Q. Yes, sir.—A. All I had to do was to add on the number in the printed statement.

Q. Is it on the paper now?—A. No, sir; not at all.

Q. That comes in under order 151?—A. Yes, sir.

Q. I understood you to say that as to the cases put on under order 149, as you call it, at the time when the clerks were put upon the files, that you have no record of those.—A. We include them in our statements. If you mean the number, we include them in the estimate made.

Q. There is no record kept to show who the attorney was?—A. No, sir; not at all.

By Mr. ENLOE:

Q. You could not then safely include them in this general estimate in giving the percentage?—A. No, sir.

By Mr. DUNGAN:

Q. To get the amount of fees paid to any one attorney you would have to go to the old claims to see whether the fee agreement was $10

or $25?—A. That would not do it, either. It could not correspond with the agency. We would have to go to one agent first and find out what we could there and then go back to the next agent and trace it up in that way.

Q. You preserve all the papers in the Pension Bureau, don't you?—A. Yes, sir.

Q. And the fee agreement is in batch?—A. One fee agreement is retained in each case and the other sent to the agent. Sometimes an agreement to pay $25 is made and that is sent to the pension agent, and then a change is made and only $10 paid. We thus have no exact record in the case, because the agent makes payment at his office, and in the course of a year that will amount to two or three thousand dollars.

Q. There has never been any such record attempted to be kept there?—A. No, sir.

By Mr. LITTLE:

Q. I would like to ask the witness a question and then state a hypothetical case. As I understand the law, if there is no agreement between the applicant and attorney the fee is $10?—A. Yes, sir; and if there is an agreement——

Q. It is $25?—A. Yes, sir.

Q. The Pension Office, in that case, has a right to deduct from the pay which goes to the claimant the amount of fee, where there is no agreement, to the amount of $10?—A. Yes, sir.

Q. I would like to put this hypothetical question: Supposing, ten or twelve years ago, a soldier, who we will designate as Mr. "A," applies through an attorney for a pension named "B," and there is no agreement, and he receives the $10. We will say the agreement is overlooked and he receives say the pay of $10, and that runs along for ten years; and then under the act of 1890 this same soldier, "A," applies for a pension under an attorney named "C." Has attorney "B" any claim on the new pension obtained through attorney "C?"—A. I should say not if that case was submitted to me.

Q. And would you think any employé of the Pension Office would interest himself to collect a fee on such a basis? Taking this as a hypothetical case, was it exceeding his authority?—A. I should think so. Ten years is long enough to bar anything.

Q. Make it five years instead of ten then?

By Mr. DUNGAN:

Q. Would a new pension obtained by a new attorney have anything to do with the old attorney?—A. Not at all.

By Mr. LITTLE:

Q. We will change the time to five years, then?—A. I was thinking of the statute of limitations.

Q. Change that time from ten to five years and I will repeat the question?—A. There will be no claim then.

Q. It would be no part of the Pension Office to try and collect the back fee that had been omitted to be paid?—A. No, sir; I should say not.

Mr. LITTLE. Then I want to submit some papers here from the Pension Office, in connection with that. I want to offer these papers in evidence.

(Mr. Little hands letters to Judge Payson.)

Judge PAYSON. I have no objection to these papers going in if it is your understanding they are all in connection with the same matter.

Mr. LITTLE. They are.

The following letters were here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 7, 1892.

Mr. ANDREW J. TEN BROOK,
1290 Lovejoy st., Buffalo, N. Y.:

SIR: On the 9th of December, 1891, you were called upon to refund $15 as balance of fee due your attorney, George E. Lemon, on the issue of Sept. 24, 1891, under the general law, in your pension claim cert. No. 267870, which call was repeated February 19, 1892; but you have failed to comply with either request.

Mr. Lemon was entitled to a fee of $25, less $10 paid on the original issue, on the issue in question, by virtue of the fee agreement you executed in his favor Sept. 26, 1885; and the request for refundment is made in order that the agreement may be satisfied.

Very respectfully,

GREEN B. RAUM,
Commissioner.

[George E. Lemon, counsellor at law, solicitor of patents and claims, 1729, New York avenue north west (Lemon Building), P. O. drawer 325.]

WASHINGTON, D. C., *Mch. 7, 1892.*

ANDREW J. TEN BROOK, Esq,, *Buffalo, N. Y.:*

DEAR SIR: In order that I may fully understand matters, please advise me when you intend to refund to the Commissioner of Pensions the $15 overpaid in your case.

Respectfully,

GEO. E. LEMON.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., Feb. 26, 1892.

Mr. ANDREW J. TEN BROOK,
1220 Lovejoy st., Buffalo, N. Y.:

SIR: On the 9th of Dec., 1891, you were called upon to refund $15 as balance of fee due George E. Lemon on the issue of Sept. 24, 1891, in your pension claim, cert. 267870, to which request you have not made response.

You will please give this matter your prompt attention, in order that the fee you agreed to allow Mr. Lemon may be paid.

Very respectfully,

GREEN B. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., Dec. 9, 1891.

Mr. ANDREW J. TEN BROOK,
1290 Lovejoy St., Buffalo, N. Y.:

SIR: Through inadvertence, the fee due to Geo. E. Lemon, the attorney of record on the issue of Dec. 24, 1891, in your pension claim, Cert. 267870, was not certified.

In view of the fact that your pension under the general law has ceased by reason of the allowance of your claim under the act of June 27, 1890, the balance due Mr. Lemon can not be deducted from your current pension, unless you should certify your willingness to that effect. Therefore, you will please forward to this Bureau a New York draft for $15, in order that the balance due Mr. Lemon may be paid.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Judge PAYSON. It is your understanding, Mr. Little, from the papers you present that Mr. Lemon was not entitled to the amount of this fee and the claim for refunding was not authorized by law?

Mr. LITTLE. I will state the case as I understand it: That in 1884 a

fee was issued to the party whose name appears on that paper, the pensioner, from which $10 was paid only. And in 1890, under the new law, the same pensioner applied for a new pension and that was allowed through a new attorney—through an attorney by the name of Moore, from Buffalo, and pending the issuance of that new pension, the Commissioner, for three successive months, wrote demanding the old fee which was years before, and I think when the Commissioner did not write that Mr. Lemon wrote, so that for four successive months those letters passed, and when the Commissioner did not write Mr. Lemon did; so it might seem there was an understanding between the two officers as to who was to do the writing.

Judge PAYSON. That does not answer my question. Was it your understanding that Mr. Lemon was not entitled to $25.

Mr. LITTLE. I have not passed upon that.

Q. You have no understanding with reference to that at all?

Mr. LITTLE. I have asked the witness.

Judge PAYSON. But taking the laboring oar in this as you do, what is your understanding?

A. I understand there appears on a memorandum from the Pension Office that there was only $10 to which he was entitled in that case, and that is all Mr. Lemon had from 1884 to 1891, six or seven years. Then the new Commissioner, who had nothing to do with that, and under a new attorney, tried to collect the balance of that old fee, and these letters were written.

By Judge PAYSON:

Q. But there is nothing in this to show that Mr. Lemon was not entitled to the fee, and if he is entitled to it it is time it should be paid.

By Mr. DUNGAN:

Q. And should be taken out of the new case?

Judge PAYSON. Yes, sir.

Mr. LITTLE. I made that ground in the question to Mr. Bailey.

The WITNESS. Here is the letter. We don't demand the fee. [Witness reads letter of December 9, 1891.] This letter is not a demand.

Mr. LITTLE. Then the Commissioner of Pensions follows that up month after month with dunning letters?

The WITNESS. I say he can not deduct it. We will have the files here of this case in a few minutes so we can see it.

Mr. DUNGAN. I suggest we leave that then until the papers come.

TESTIMONY OF CAPT. R. C. RYNEX.

Capt. R. C. RYNEX, being duly sworn, testified as follows:

Examined by Judge PAYSON:

Q. What official position do you hold, if any, in the Pension Office, or did you hold in the month of January and February, 1890?—A. I was a second-class clerk.

Q. Where were you employed?—A. In the middle division—miscellaneous section.

Q. Did you know Mr. Hodgson at that time, and do you know him still, who testified here some little time ago?—A. Yes, sir.

Q. Did you take occasion to examine his testimony as it appears in the record here?—A. Yes, sir.

Q. Do you know, as a matter of fact, the character of work he was engaged in in January and February?—A. Yes, sir.

Q. Was that the same section you were in?—A. Yes, sir.

Q. You may state now to the committee what the character of that work was in full, so that they may understand it as you do?—A. We had the miscellaneous work of the division which embraced cases that had been adjudicated and questions coming up in them as to the correctness of the adjudication and as to claims pending and not adjudicated, what we called new-disability claims and miscellaneous questions. All questions——

Judge PAYSON (interrupting). What, if anything, did you have to do with reference to the execution of Order 151 at that time with reference to putting upon the completed files such cases as were certified to be complete by attorneys?

A. We had but very little to do with it for the simple fact that where the case was called up on a completed-files slip, if a pending claim called up by that slip, we simply sent it to an examiner. If there was no claim pending we generally put it into the case and let it go.

Q. Had you anything to do at that time, or did he, with a careful examination of claims to ascertain if they were complete or not, and then advise the attorneys of the status?—A. We always had to do with examination of claims to see if they were complete, and carefully, of course; as to advising attorneys, if the claim was complete we would pass it, the attorney having received notice, either by allowance or otherwise of the claim, what the status of it was.

Q. The duties performed in that section, in the miscellaneous section, at that time were what? Let me read what Mr. Hodgson says:

Q. Do you want the committee to understand that those cases came to you by virtue of orders 149 and 151?—A. Yes, sir.

Q. Because they were in the completed files.—A. No, sir; that is a fact. They came there because action had to be taken upon them, and they had to be opened and examined to see if they were complete—to see if they should go on the completed files.

Q. Now, were you doing any of that kind of work in that section at that time?—A. If they came up as miscellaneous work we looked through them and examined them. I have a recollection of a quantity coming there, probably 400 or 500 cases, something of that matter, and according as I read his testimony, being piled up behind his desk, behind our desk and alongside my desk and we did not know what to do with them. The question was whether we should take action as to special cases. Our understanding was that the completed-files order was a special order, and that they should be taken up immediately, and we did not know what to do with them, and so we left the matter to the chief, and he said he would give us an answer and tell us what to do with them in a few days. I was answering the Congressional calls myself, and when that work was done I went onto the other work. I suppose I probably handled my proportion of it, because I worked very fast on my Congressional cases because I understood that work.

Judge PAYSON. I do not care anything about Congressional work. I want to know about this.

A. This completed files I had in fact very little to do with it, only to look at the case and pass it.

Q. What was his work?—A. He did about the same thing.

Q. I don't understand now.—A. He opened the case, looked through it then to see if it was a pending claim or not, and if they were he sent them to an examiner; if not, he simply stuck the file slip in the case.

Q. How many was there altogether of those cases there?—A. I did not place the whole pile at over 500.

Q. How many men were at work at that?—A. Well, I guess there were four or five of them.

Q. Did he do any more than his share of it?—A. No, of course not.

Q. Have you read his testimony where he said he was at work a week or ten days, and handled about 300 cases per day?—A. I think he is mistaken.

Q. What would be a fair day's work or an average day's work of that kind of work?—A. If a man gives proper attention he might handle 40 at the most.

Q. Have you seen those little wagons?—A. Yes, sir.

Q. Have you made any examination to know about how many cases it would take to fill one of those carts, an average load?—A. I looked at a wagon the other day and had an argument with a friend of mine. I said it would hold 200 cases, and he said not over 150.

The CHAIRMAN. It is your judgment we want now.

A. So far as my judgment is concerned, I should think they might hold 200 cases; that is, taking the average.

Judge PAYSON. You have not made any experiment in counting those, have you?

A. No, sir; that is just merely a guess.

Mr. ENLOE. Those cases you speak of, were they cases coming in on attorneys' slips, or cases selected under order 149 to go on the completed files? I mean those 500 cases you spoke of?

A. Principally on completed-files slips.

Q. Slips sent through attorneys?—A. I don't know. There may have been some claimants; I could not say.

Q. Do you know anything about the selection of the cases to go on the completed files under order 149?—A. I don't know anything about it, because we knew but little about it, about the completed-files order anyway, because we did not know what to do with the cases.

Q. How did it happen that you would handle the completed-files slips and place them with the papers when you would not handle these cases here that they were making up the completed-files system on, under order 149?—A. Well, we took it in as our general work.

Q. You did a part of the general work relating to the files?—A. Nothing to do with the files.

Q. In the examination of cases?—A. Yes, sir.

Q. You were examiners, were you not?—A. Simply as to this miscellaneous business. We did not adjudicate or submit.

Q. You examined cases sometimes to see if they were completed?—A. Yes, sir; always.

Q. Don't you know, in making up the completed-files system under order 149, they had to examine to see what cases were complete before putting them on the files?—A. I don't know anything about it; they did not before they brought them to us.

Q. You say there were 500 cases down there behind your desk?—A. Yes, sir.

Q. All in one pile?—A. Yes, sir.

Q. They were drawn in one day?—A. I think they kept bringing them there for three or four days. I could not tell you how often.

Q. You don't know how long they were in bringing them there?—A. No, sir.

By Mr. DUNGAN:

Q. Who brought those there, the same person who did that work regularly or some new person?—A. The same person who brought us the work when we were out.

By Mr. ENLOE:

Q. Do you mean to say there were only 500 cases laid down there in the course of ten days?—A. That would be my estimate of the completed files.

Q. I am speaking of that.—A. Yes, sir; about 500 cases.

Q. You say you had about how many men at work on them?—A. Well, there were 5 men, with the chief, I think.

Q. You said they could dispose of about 50 cases per day?—A. I said 40.

Q. That would be about 200 per day, would it not?—A. If they disposed of that many, but I don't think it would average that; the chief did not always work with us.

Q. If they were ten days at work there they would handle 2,000 cases, would they not?—A. Yes, sir; but you must recollect we had other work besides that.

Q. You don't know how many days you were at work upon that?—A. I could not say; no, sir.

The CHAIRMAN. Would the slips on the cases indicate who the attorneys were?

A. I suppose so; yes, sir.

TESTIMONY OF H. M. KEENE.

H. M. KEENE, being duly sworn, testified as follows:

Examined by Judge PAYSON:

Q. What official position did you hold during the months of January and February, in the Pension Office, in the year 1890?—A. I was a second-class clerk.

Q. What was your immediate work?—A. I was on the files.

Q. Have you read the testimony of Mr. Hodgson in this record?—A. I have, sir.

Q. Did you have anything to do with sending in these wagon loads of cases to which he refers?—A. Yes, sir.

Q. You may tell the committee what those files were and where they came from and what the work was.—A. The cases are drawn on the miscellaneous evidence or completed slips that were sent in by attorneys, and before that evidence or completed slips would reach the case the case would be adjudicated, disposed of, and then it would go to the admitted files.

Q. And these cases had been?—A. Yes, sir, we had to draw the cases from the admitted files and bring them to the admitted section. We draw them as a matter of precaution, the completed slips might possibly be a portion of the case pending, might possibly have gotten into the files by mistake. We drew them down and the miscellaneous section would look over the case and if nothing was pending, they looked them through and sent them back.

Q. None of these cases came from the completed files?—A. No, sir.

Q. Had it anything to do whatever with execution of order 149 and 151, which were the completed-files orders?—A. Had nothing to do with them.

By the CHAIRMAN:

Q. You say they were taken from what you suppose was the ad mitted files?—A. Yes, sir.

Q. Was that the completed files?—A. No, sir; it was completed and filed up in the top of the building.

Q. Were the cases supposed to be complete?—A. Yes, sir; already adjudicated; finally disposed of.

Q. These were adjudicated cases sent down there?—A. Yes, sir.

Mr. DUNGAN. Rejected cases, practically?

A. Rejected, and some admitted.

By Mr. ENLOE:

Q. You say then they would put in additional evidence into these admitted files?—A. If there was nothing pending in the case they would put the calls by attorneys, and such evidence as amounted to nothing they would put in the case, and send back to the admitted files.

Q. If they found something pending, the case would be sent to the pending files?—A. Yes, sir.

Q. How could it be pending and admitted at the same time?—A. A portion admitted.

Q. A portion of what?—A. A portion of the case.

Q. I would like to know what you mean by admitting a portion of the case and rejecting a portion of it?—A. A man might have several disabilities, and he may have furnished evidence sufficient to complete one or two of them, and there may be one part of it which he has not furnished evidence to complete. It is where there is a disability admitted, and certificate issued for that disability, and then there comes in proof that shows he is entitled to an additional pension on account of additional disability.

Q. That is what you mean?—A. Yes, sir.

Q. You heard the testimony of the gentleman on the stand before you?—A. Yes, sir.

Q. Did he seem to understand that as you do, as to what these cases were?—A. I think so, sir. I simply drew the cases for them to handle.

Q. You didn't examine them?—A. No, sir; and I suppose there were 90 per cent of the cases went back to the files.

Q. Were you in any way connected with the work except to carry those cases there and turn them over to them?—A. That is all.

Q. Who directs you to do that?—A. The chief of their division.

Q. He would know better what the work was they were engaged in than you would?—A. I don't know why he should.

Q. You did not examine the cases; you simply carried them over to them.—A. That is all.

Q. These other gentlemen who have been testifying did, didn't they?—A. Yes, sir; I sent the cases back to the admitted files. If they placed any evidence in I took them back, and I suppose 90 per cent went back.

Judge PAYSON. To the admitted files?

A. Yes, sir.

Mr. ENLOE. You took the cases you were directed to by the chief of the division?

A. Yes, sir.

Mr. ENLOE. That is all.

Judge PAYSON. That is all.

Mr. ENLOE. I don't think the letters in this statement of Theodore Smith should be permitted to go in evidence.

The CHAIRMAN. I think the statement should be admitted, but the letters should not be. He swore to his statement, but the letters are

not sworn to. Let the record show that he offered the letters in evidence as testimony as to his character and they were refused by the committee on account of their incompetency.

Judge PAYSON. If the committee will take a recess until 1 o'clock, I think I can conclude this afternoon. Gen. Raum promised to be here at half-past 11, but he has not yet arrived.

Committee takes recess until 1 o'clock.

AFTER RECESS.

The committee met, and Gen. Raum not appearing, upon request of Judge Payson the committee adjourned until 10 o'clock to-morrow morning, Wednesday, June 1, 1892.

WASHINGTON, D. C., *Wednesday, June 1, 1892.*

The committee met at 11 a. m.

Present: The Chairman (Hon. H. H. Wheeler), Messrs. Dungan and Brosius of the committee, and Hon. B. A. Enloe and Hon. L. C. Payson.

Mr. BROSIUS. I wish to call the attention of the committee to this letter of Gen. Bussey's, of March 8, 1892. It is a letter addressed to the chairman of this committee and signed by Assistant Secretary Bussey, and refers to the case which Mr. Little calls to the attention of the committee, Mr. Little's statement in reference to the case being found on page 163 of the printed record:

The following is the letter and inclosures referred to by Mr. Brosius:

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1892.

DEAR SIR: While testifying before your committee I was asked whether claimants without an attorney received the same consideration as those having an attorney. I answered that they did. Hon. Joseph J. Little stated that he knew a soldier who had made repeated efforts to obtain an increase of his pension without success, but who finally employed an attorney, who secured an increase without delay. I doubted this statement at the time and asked Mr. Little to give me the name of the soldier. I forward herewith a copy of his letter of the 6th instant giving me the name of Frank A. Wilder, Company E, Forty-fourth Regiment, New York Volunteers. I have examined Mr. Wilder's papers and find that he had six attorneys at various times prosecuting his claim, and that at no time has he been without an attorney, as is shown by the statement taken from his papers which I send herewith. In view of the great amount of business pending in the Pension Office the record shows that his case has been at no time neglected. Mr. Little's statement conveying the impression that his case had been neglected was telegraphed over all the United States. In the great majority of cases where complaints have been made an examination will show that the Pension Bureau has not been at fault. I therefore desire to submit these papers as a part of my evidence before the committee.

Very truly yours,

CYRUS BUSSEY,
Assistant Secretary.

Hon. HARRISON H. WHEELER,
Chairman of Investigating Committee, House of Representatives.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, March 6, 1892.

MY DEAR GENERAL: I went over to New York Friday afternoon, and have just returned, and send you the name of the person to whom I referred on Friday as claiming through an attorney he had promptly obtained an increase, whereas he had been repeatedly refused upon direct application.

Very sincerely,

JOSEPH J. LITTLE.

To Gen. CYRUS BUSSEY.

(Frank A. Wilder, 743 Second avenue, Lansingburg, N. Y. No. 214922. Company E, Forty-fourth Regiment, New York State Volunteers.)

Claim of Frank A. Wilder. Certificate No. 214922.

Claim originally filed on the 14th of July, 1864. Alleged chronic diarrhea and debility. Robert Sewall, New York City, attorney.

Another declaration was filed on the 23d of October, 1879. In this declaration applicant alleged disablity from chronic diarrhea, fever and ague, catarrh, and disease of eyes. Francis N. Fitch, of Watertown, N. Y., attorney.

Certificate issued on the 30th of June, 1882, to allow pension at the rate of $8 per month from April 26, 1864, and $12 per month from May 26, 1880, for malarial poisoning and nasal catarrh with resulting disease of right eye and chronic diarrhea.

Claim for increase filed on the 9th of June, 1886. Claimed for disability from rheumatism in addition to that from the causes for which the pension was originally allowed. Benjamin F. Page, of Troy, N. Y., attorney. Medical examination had July 7, 1886. Claim rejected July 29, 1886.

Claim for increase filed August 23, 1887. Claimed on account of malarial poisoning, catarrh, resulting disease of right eye and failing sight of left eye, chronic diarrhea, disease of left lung, and disease of heart. John W. Morris, of Washington, D. C., attorney. Medical examination had November 16, 1887. Increase allowed April 28, 1888, to $16 per month from November 16, 1887, for the disabilities for which the pension was originally allowed and affection of left eye.

Claim for increase filed June 15, 1888. Thomas J. McElhenny, of Washington, D. C., attorney. McElhenny died in December, 1888. Charles J. Donnelly, of Washington, D. C., was recognized as his successor. Medical examination had March 27, 1889. Increase allowed May 3, 1889, to $24 per month from March 27, 1889.

Claim for increase filed on the 22d of July, 1889. Medical examination had on the 8th of April, 1891. J. W. Morris, attorney. Claim rejected on the 31st of October, 1891.

TESTIMONY OF H. M. HAYNES.

H. M. HAYNES, being duly sworn, testified as follows:

By Judge PAYSON:

Q. What official position do you hold in the Pension Office?—A. I am a clerk in the law division.

Q. Has your attention been called to the fact that on yesterday there were three letters presented to the committee purporting to have been written by some one in the Pension Office, with the Commissioner's signature attached, with reference to certain fees in which George E. Lemon was interested involving the sum of $15?—A. Yes, sir.

Q. Have you the papers in that case with you?—A. Yes, sir.

Q. Were you the gentleman who did that writing?—A. Yes, sir.

Q. You may state to the committee the history of that case and all there is in connection with those matters, so the committee will understand all about it as well as you do. You may give it in a narrative form.—A. The facts are these: Andrew Ten Broeck, of Company C, One hundred and thirty-seventh New York Volunteers, made application for a pension in 1867, I think (witness refers to papers)—June 15, 1867, alleging gunshot wound of right side and disease of liver. He appointed B. C. Howell, of Ithaca, N. Y., his attorney. Very little action appears to have been taken in the claim. It was practically abandoned. On the 28th of April, 1879, he filed another application for pension through O. G. Howard, of Red Oak, Montgomery County, Iowa, alleging gunshot wound of the right side and chronic diarrhea, and no action appears to have been taken on that application by that attorney or by the claimant. On February 15, 1884, George E. Lemon filed a power of attorney. The claim for gunshot wound was prosecuted to completion and allowed on June 9, 1884. Mr. Lemon was certified and paid the fee of $10. Then, on October 13, 1885, Mr. Lemon filed an application for straight increase on account of the gunshot wound and for any additional pension on account of chronic diarrhea,

and filed, October 29, 1885, a fee agreement for $25. He prosecuted the claim for chronic diarrhea, it appears, for about six or seven years to completion. The examiner approved the fee agreement at $25. The reviewer denied the attorney a fee, and wrote across the brief "the fee has been paid on a former issue." (Witness reads from record:) "No fee. Paid on original issue."

By Judge PAYSON:

Q. Right in that connection, that is clearly a mistake, is it not?—A. That action was error. He would have been entitled to $10 had he not filed a fee agreement.

By the CHAIRMAN:

Q. He would have been entitled to what?—A. If the claim had been allowed he would have been entitled to $10 if no fee agreement had been filed, but inasmuch as there was an agreement filed he was entitled to $25.

By Mr. DUNGAN:

Q. The original attorney's fee agreement was $10?—A. There was no fee agreement; that would be the legal rate in the absence of a fee agreement. He was paid $10, the legal rate, in the absence of a fee agreement on the original issue, and that ended, practically, his connection with the case; and then he comes in in October and files a claim for increase and additional pension, alleging chronic diarrhea for the first time, to his knowledge, as he states. He prosecuted the claim for additional disability and was entitled to his fee as per contract.

By the CHAIRMAN:

Q. The $25 fee?—A. Yes, sir. It seems there was an application filed through W. Bowen Moore for additional pension under act of June 27, 1890, and that appears to have been rejected by the same reviewer on the ground that no benefit would accrue under that act. That action was also error because the man was totally blind and lame, had lost one foot, chronic diarrhea and other disabilities. The total rating as shown by the certificate of examination amounted to $132, but I noticed the error and took it to Mr. Bailey and called his attention to it, and he took it to the Commissioner and called his attention to the fact that the man had been erroneously denied his claim under the new act, and the Commissioner directed that the certificate should at once be issued, and that was done. I pinned this slip on the claim when it left our division, requesting that it be returned to the division; in the meantime Mr. Lemon had been notified that no fee could be paid. He wrote this letter that he was unaware that any claim had ever been filed for diarrhea and that he was entitled to $15 anyway under his contract, even admitting that the other fee paid him in the original issue could be deducted.

Q. That was Mr. Lemon's letter to the claimant?—A. No, sir; to the office. That was the letter which called the case to the law division; the case was then returned, and I telegraphed to the pension agent to withhold $15 from the pension under the general law, because the pension under that payment would cease on account of the allowance under the new law. That was the only way the payment could be made except by refunding. My telegram got there too late, the pensioner had been paid. I then wrote to the pensioner on December 9—the jacket shows I wrote the pensioner calling his attention to the fact of the fee due the attorney on that issue—issue of September 24, 1891, had not

been paid; and that inasmuch as the pension under the general law, out of which the fee was due, had ceased, by reason of the allowance of his claim under the new law, it could not be paid except by refundment, and I asked him to refund the $15. He did not reply. On February 19, 1892, I invited his attention to the fact that he had not responded to my letter and asked him to give it his prompt attention. On April 7, 1892, he had still not replied, and then I again advised him that this amount was due under his contract, and that the only means of settling was by his refunding the $15 due. There has been no response to that. The case has been on my desk ever since the date of my first action.

By Judge PAYSON:

Q. During all this time where have all these papers been remaining?—A. In a basket on my desk.

Q. Awaiting some response, or something to close it up so it could go back to the files?—A. The mode of procedure is: Take, for instance, where an attorney has been erroneously paid a fee, we call on him to refund the same within thirty days, and if no response is made we again invite his attention to the matter and give him ten days to respond or show cause why he should not do so, and if he does not pay any attention to that or declines to refund he is advised if he does not comply he will be reported to the Secretary of the Interior for disbarment.

Q. Under a new case like this, where the difficulty is the other way, that the claimant has got the money, that the attorney had ought to be paid a part or the whole of it, what is the practice in such a case as that?—A. Simply to ask him to refund it. We hold the papers as unfinished business until we hear from him. The cases are held in our division until settled.

Q. This man never replied to any of these letters?—A. No, sir.

Q. Did the Commissioner of Pensions ever have any personal knowledge of these transactions?—A. None whatever in the fee mattter, but he had——

Q. (Interrupting.) I said in the fee matter.—A. No, sir.

By Mr. ENLOE:

Q. What matter did he have personal knowledge of in connection with the case?—A. With its rejection under the act of June 27.

Q. Who was the examiner? It seems in this paper the name of the examiner has been scratched out and another man substituted.—A. It was according to that by E. Schafer. That was on the 13th of June, 1891. On the 5th of November it was resubmitted by Charles E. Hughes. The certification of the $25 to Lemon was evidently in the handwriting of Schafer, who first submitted it.

Q. Is it customary in the office to continue to write to the claimant until he does respond; I should say to the pensioner?—A. It is the only means of settling the case. As a rule, they respond, either denying or complying. It is the only means of settling a case, to get a response one way or the other. If he refuses, the only thing we can do is to advise the attorney of the fact and let the case go back to the files.

Q. Do you know whether the claimant ever paid Moore a fee?—A. There was $10 paid on that issue; paid by the pension agent.

Q. Paid to Moore?—A. Yes, sir.

By Mr. BROSIUS:

Q. If a claimant or pensioner in a case of that kind refuses to refund you pursue the matter no further?—A. There is no use in it.

Q. Then you don't do it?—A. No, sir.

Q. And if he fails to answer your call you repeat the call until his silence is tantamount to a refusal, then you pursue it no further?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you think you got as many refusals from this man as necessary?—A. I don't know as I would have written again.

Mr. BROSIUS. He has not refused at all?

Mr. ENLOE. I will meet the technical difficulty of the gentleman then by this question. Have you failed often enough to get an answer to satisfy you he didn't intend to refund?

A. It is apparent on the face of it that he does not intend to refund.

By Mr. BROSIUS:

Q. How many calls have you made?—A. Three.

By Mr. ENLOE:

Q. Did you have any conversation with Mr. Lemon about this while the correspondence was going on?—A. I do not know Mr. Lemon never had any conversation with him in my life on any subject.

Q. Any of his clerks?—A. No, sir.

Q. Nothing except the correspondence through the office, the letter he wrote to you?—A. None whatever.

Q. (By Mr. DUNGAN.) How was your attention first called to the fact that the $15 was not paid on the fee agreement?

Judge PAYSON. He has already stated that Mr. Lemon wrote a letter to the office that he was advised about the action of this reviewer, to the effect that he was not entitled to any fee and that he was entitled to a fee, and that letter called the attention of this gentleman to it.

By Mr. ENLOE:

Q. You are positive this pensioner did not write any letter that came to you?—A. To the office?

Q. Yes, sir; refusing to pay the fee.—A. No, sir; there has been no response whatever.

Q. None from his wife?—A. No, sir.

Committee takes recess until half past 12.

AFTER RECESS.

The following letter from Sidney L. Willson, United States pension agent at Washington, D. C., dated May 26, 1892, addressed to the Hon. H. H. Wheeler, chairman, admitted in evidence:

UNITED STATES PENSION AGENCY,
FOR PAYMENT OF PENSIONS,
Washington, D. C., May 26, 1892.

Hon. H. H. WHEELER,
Chairman, etc., House of Representatives, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of your letter of this date, in which you state that the committee investigating the management of the Pension Office, wish a statement prepared from the records of this office, containing a list of certificates and the amount of fee payments thereon in claims in which George E. Lemon is the attorney of record, during the period from January 6, 1890, to January 6, 1891.

In reply, I have respectfully to state that no schedule of certificates granted, in respect to attorneys' names, has been kept, and to furnish the information sought would involve an amount of time and labor utterly incompatible with the duties of the agency and the limited clerical force at my command, on the eve of a quarterly

payment of pensions. It would be necessary to examine each entry of the entire rolls of the agency, and the books could not be spared for the purpose, in view of the preparations necessary for such quarterly payment.

Very respectfully,

S. L. WILLSON,
U. S. Pension Agent.

Judge PAYSON. I offer in evidence a formal statement prepared by the Commissioner of Pensions, and in substance the statement which he presented to the committee at the commencement of his examination, and the presentation of which was, by the suggestion of the chairman, deferred until a later stage of the examination. That formal statement I now present, and it may be read and submitted for inspection. This goes in as a part of Gen. Raum's testimony in the case.

The CHAIRMAN. We might take this course: admit it, subject to any objection that may be made hereafter, to be brought up formally in your presence.

Judge PAYSON. Very well.

TESTIMONY OF GEN. RAUM—Continued.

Cross-examined by Mr. DUNGAN:

Q. Can you remove a clerk in the classified service except for cause?—A. The Commissioner of Pensions can not remove a clerk at all. The power of removal is vested in the Secretary of the Interior. He can remove a clerk upon his own motion, with or without cause. He is to be the judge of the cause, as I understand it—that is, without stating the cause. He is not compelled by law to state the reason why he removes a man.

Q. Then a clerk in the Pension Bureau, there by virtue of civil service examination, can be removed without cause being stated?—A. Oh, yes, sir.

Q. But not by you, you say?—A. No sir. None of the heads of bureaus have authority to remove clerks. That power is vested in the heads of the Departments.

Q. Do you recommend the removals of clerks under the classified service without stating the cause?—A. The Secretary issued an order soon after he came into office requiring the heads of the bureaus to state a sufficient cause for the removal of clerks—that is, a cause that would be sufficient to justify his mind. It was in existence prior to the time I went into the Pension Office as Commissioner.

Q, Then that order covered all your service as Commissioner?—A. Yes, sir.

Q. Have you the power at the end of a fiscal year to drop a special examiner from the rolls yourself?—A. The special examiners, just like the clerks, are within the purview of the classified service, but they are employed from year to year under an annual appropriation and the action of their appointment in the first instance—that is, the fact of their appointment in the first instance—is by reason of the action of the Secretary of the Interior, and then when they are to be dropped from the rolls or reappointed, why the matter is brought to his attention and he acts upon it.

Q. Then you neither appoint nor remove special examiners?—A. No, sir; I have no power vested by law to appoint any one in connection with the Pension Bureau. They are all appointed by the Secretary of the Interior.

Q. Was there an order issued recently prohibiting special examiners from competing for promotion in the classified service?—A. I submitted the question, I will state in reply to that, to the Secretary of the Interior as to whether special examiners who are appointed under this annual appropriation were eligible to compete for appointment to a clerical position, the clerical positions being known as the $900 class, the $1,000 class, the first class being $1,200 and the second class being $1,400, being the same as paid to special examiners, and the third class being $1,600, and the fourth $1,800, and after due consideration the Secretary decided that the special examiners were not eligible to compete for those positions under the rules.

Q. Now, about how long ago did that correspondence take place?—A. I will furnish it to you if you wish it. It was only recently, you know. This order in regard to the present system of promotion went into effect in February. That has all been since that date.

Q. Now, have you the power, the authority, to take men from the desk, an ordinary clerk, and make him a special examiner?—A. That is all done by the Secretary. I will say all through the Secretary has exercised the right to transfer persons from the special examiner's roll to the regular rolls—that is, as far as the convenience of the service would seem to require it—if an examiner, for it happens there were a few $1,400 clerks assigned to duty as special examiners under the law in the field, and there were some special examiners in the office who were assigned to desks, to desk work, and after a time they thought they would like to be transferred to what they called the regular roll, and so it has been rather the practice of the office.

Q. The regular roll is the classified?—A. It is all in the classified service, but the regular roll is the first, second, and third class.

Q. Special examiners don't seem to be in the classified service?—A. Yes, sir.

Q. Why is it they are not eligible to compete then?—A. The Secretary passed upon that.

Judge PAYSON. A copy of this decision has been furnished within the last three or four days, and is now a part of the record.

The WITNESS. It was a question of law for the Secretary to determine. I submitted it to him and he passed upon it. I was just saying in the cases of that kind a man who was actually in the field, but was a clerk, would be transferred to the special examiners roll, and the special examiner in the office would be transferred to the regular roll. That occurred before this new order in regard to promotion. I think no transfers have been made since that time.

By Mr. DUNGAN:

Q. If one of the classified service or regular roll, as you call it, is sent into the field as a special examiner he is regarded then as holding a position good for one year from that date?—A. No; he is a clerk.

Q. You don't transfer him at all then?—A. The law authorizes the Commissioner of Pensions to assign clerks to duty in the field as special examiners as well as to assign special examiners to the field. As you may recall, I answered Mr. Enloe that the law recognizes the right to retain a special examiner at desk-work in the office. When I took charge of the office there were 150 special examiners authorized by law, but there were 279 I think it was, persons assigned to duty in the field. So you would see 150 from 279 you would have 129 persons who must be clerks. So if the usual number of special examiners were out in 1889 when I came in there, there were 129 clerks out also. The law provides for both.

Q. Permitting that?—A. Yes, sir; the assignment.

Q. There has been during your time how many clerks transferred to the special examiners' roll? There have been some, have there not?—A. Yes, sir; there has been some; that is, there was.

Q. Among the classified clerks transferred to the special examiners' roll, haven't many of them been dropped at the end of the year?—A. My answer here answers that quite fully. I have been very conservative in regard to dropping people from the rolls. During the past two years and a half, as will appear from this statement, the entire number of persons I have recommended for dismissal will amount only to twenty-eight.

Q. Does that include all that have been dropped from the rolls?—A. Yes, sir; the entire amount that has been dropped.

Q. Twenty-eight?—A. Yes, sir; twenty-eight persons I have had to do with their dismissal, and I have a force there of 2,000. There may have been two or three resigned who were not included in that. Those actually dismissed and not resigning are included.

Q. That twenty-eight does not include persons whose resignations were requested?—A. No, sir.

Q. That is all the removals?—A. Yes, sir. There has been two or three of the others.

Q. Out of that twenty-eight, that is a smaller number than I supposed, what were their politics?—A. The majority of them were Republicans, I regret to say. They were men who deservedly went out in spite of their politics. I have for sometime felt that my political friends throughout the country when they come to see this record will rather have a crow to pick with me, politically, for the consideration I have paid to the Democratic clerks there in the office in keeping them in. You will find in here a statement, a copy of a letter from Gen. Black to Secretary Noble, in which he says that the number he recommended for dismissal was 427. I furnished a list of them there.

Q. Did he give a list?—A. Yes, sir; this is the original. Mine was about 6 per cent of the number Gen. Black dropped out.

Q. I think when you were on the stand earlier in the sitting of the committee you were asked to furnish the committee a list of persons dropped from the rolls for inefficient service?—A. Inefficiency?

Q. Yes, sir; that would be included in the twenty-eight, would it?—A. Yes, sir.

Q. Is there any difference in these removals between the persons in the classified service and a special examiner in the field?—A. As I remarked, they are all in the classified service. The Secretary, in his correspondence with Commissioner Tanner, declined to drop men from the rolls as special examiners as he suggested, simply by having them walk out on a plank and letting it fly up, he used that term in his letter; that he wanted some cause assigned why they should be dropped. Consequently, the office has not practiced the plan of having a fellow walk out on a plank and let him get off and let it fly up.

By Mr. BROSIUS:

Q. That is not in vogue now?—A. No, sir. The fact is, the special examiners toward the close of the fiscal year—the list is made up usually without any consultation on their part with the Commissioner, or request for reappointment. It is made up in bulk and their names sent forward to the Secretary and recommended for reappointment.

Q. Their term as special examiner is understood to be for one year?—A. Yes, sir.

By Mr. DUNGAN:

Q. Without reappointment or dismissal they go out in that way?—A. Yes, sir, if not reappointed; but I have stated to special examiners many times that I wanted them to feel quite as safe on that roll, if they behaved themselves and performed their duties, as they were on the regular rolls, so called. I said that to men of my own politics and men of opposing politics, because I thought that the service of a man as to efficiency depended largely upon a feeling of security in his place.

Q. When a clerk goes out as special examiner does his pay increase to $3 per diem in addition to his regular pay as clerk?—A. Yes, sir; he gets $3 per diem in addition to his $1,400 salary or the salary he receives as a clerk.

Q. And if you call in a special examiner and put him at a desk he loses the per diem?—A. Yes, sir; that indicates to your mind very clearly that people are very anxious to have those places.

Q. The field places?—A. Yes, sir; and I have at least five or six applications every day to go to the field. Three appointed before I left the office this morning.

Q. Notwithstanding the year-term business?—A. Yes, sir; they all want to go. If I should call for volunteers I think I could get 500 in the morning who would be ready and willing to be assigned to duty in the field.

Q. Have you detailed any $1,600 or $1,800 clerks to the field?—A. Yes, sir; there is one man, who is one of the principal examiners, who is temporarily assigned to the field at a salary of $2,000. He is a very honorable man, is well respected in the office, and is threatened with speedy dissolution unless the out-door term will recuperate him, and upon the recommendation of his doctor I gave him an assignment to the field for a short time without any cutting down of his salary.

Q. How many $1,600 or $1,800 clerks have you sent to the field the last year?—A. I think there is only one man out now at a salary of $1,600. I will verify that statement, however, to see that it is correct. Mr. Roome, he is a very efficient man in criminal work, and he is sent all over the country and his expenses really are much greater than they would be if he was assigned to a particular place. He can not take his family with him and settle down, and so I thought, and the Secretary agreed with me in that, that there would be nothing improper to allow him to retain that salary of $1,600.

Q. Was the clerk you spoke of, whom I will designate as the $2,000 clerk, whom you let go into the field on account of his health, Thomas Broadus?—A. No, sir; he is in the board of review.

Q. Now, was Broadus assigned to the field in the last year?—A. No, sir; I don't think so. I don't recall it. I don't think; of course I can not ascertain that, but I am quite positive he has not been.

Q. He is now in the special examiners' division, you think?—A. No, sir; on the board of review.

Q. You don't know they are not——

The WITNESS (interrupting). He is a very badly crippled man.

Q. And physically unable to take duty in the field?—A. I should think so. He is a man regarded of good ability, and my present knowledge is, he is on the board of review.

Q. Do you recollect in your time if he has been reduced from $2,000 to $1,400?—A. I do not recall as to that. Of course I can ascertain that; I don't recall that he was reduced while I have been in.

Q. Looking to your statement there, I saw one matter referred to that we had passed by, but you have it stated here.—A. What is that?

Q. I just happened to notice it on page 58: "It is proper for me to

state that I am not responsible either for the appointment or retention of any person in the employ of the Pension Office, either man or woman, who might justly be regarded as improper persons to retain." Who is responsible in that case?—A. That allusion is to that——

Q. (Interrupting.) To those women, I suppose, that we have been discussing?—A. Yes, sir.

Q. Who is responsible then?—A. The Secretary of the Interior has the power of appointment and removal.

Q. Does he ever exercise that power without your recommendation; and, if so, what proportion of the changes have been made of the appointments without your recommendation?—A. The majority of cases are passed through upon my recommendation without any comment or note. There are certain cases in which he acts in his own judgment as he dictates.

Q. Acts of his own motion?—A. Yes, sir; upon such additional light as he may have brought before him.

Q. How many women employés are there connected with the Bureau?—A. About 400; a little over 400.

Q. What proportion of them are widows and daughters of soldiers?—A. I could not tell you without looking it up. There are quite a number of them there.

Q. A fair proportion?—A. We have all that data at hand. That could be looked up in a very few minutes. The widows of both sides are represented there.

Q. Since this matter has been spoken of before this committee in a conversation in which the names of a number of women were given whose reputation was not good, have you made a recommendation for the removal of any of them?—A. I was authorized by the Secretary to secure the resignation of two persons, which I did, and forwarded them to him with the recommendation that they be accepted.

Q. Do you know if there is a woman in the employ of the Bureau by the name of Mrs. Dodge?—A. There is a Miss Dodge.

Q. Is there a Mrs. Sayre still there?—A. Yes, sir.

Q. Was she there before your time begun?—A. Yes, sir.

Q. Do you know whether Miss Dodge and Mrs. Sayre are there by virtue of civil service examination?—A. If they were there before 1883 they came through the classified service, of course.

Q. General, do you think it is treating the great bulk of clerks there, women clerks, who are good women, to retain in places women whose reputations are bad?—A. Do you want my opinion on that?

Q. Yes, sir; I would like to have it. You have excused yourself from action because you can't remove.—A. If I had such power, I would remove such persons. That office is filled with both men and women of as high character as you have in the country, and who are fit associates for the best people in the land, and I see no reason myself why any of these bureaus should be made the refuge of fallen women. That is my idea about it.

Q. Has there been any case in which you have recommended a dismissal upon such ground as that, either in writing or verbally?—A. I have not seen the records in the case of these women that we have in mind. One of them is still in the office, as I stated when I was here some weeks ago. Her resignation has not been accepted. The other one's has.

Q. I don't know of anything further I wish to ask now until I have looked over this statement, because I am satisfied this covers the ground. Just how specifically it covers it I do not know.

The CHAIRMAN. From my own information I would like to know the names of the supervising examiners.

The WITNESS. Mr. Lineaweaver here will tell you.

The CHAIRMAN. Very well.

Mr. LINEAWEAVER. They are Morris Ketcham, J. C. Greenawalt, Thomas Shannon, Fred C. Peck, and F. G. Butterfield.

Judge PAYSON. That is all the evidence I have, except this case I wish to put in when Mr. Little comes.

Thereupon committee adjourned until Friday, at 10:30 a. m., June 3, 1892.

WASHINGTON, D. C., *Friday, June 3, 1892.*

The committee met at 10.30 a. m. Present, the chairman (Hon. H. H. Wheeler), and Messrs. Brosius and Dungan, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

Mr. ENLOE. Mr. Chairman, this correspondence, dated April 22, 1892, offered by Judge Payson, between the Commissioner and officers of the Bureau, in relation to the business of the office, I wish to object to its admission on the ground that it appears to be a correspondence instituted for the purpose of manufacturing testimony with reference to this investigation, and also on the ground that these persons are accessible here, and should be brought before the committee to submit to cross-examination.

Judge PAYSON. In reply to that, Mr. Chairman, I have to say that the papers offered are not papers that are manufactured in connection with this examination at all, but is a letter and exhibits attached thereto, addressed in the ordinary course of business from the Commissioner of Pensions to the Secretary of the Interior, in response to a letter from him (the Secretary) to the Commissioner with reference to the matter contained in the papers, and I offer it as a part of the official records of the Interior Department in reference to the Pension Bureau.

Mr. ENLOE. I will ask you, Judge Payson, if that inquiry originated with Gen. Bussey, the second assistant?

Judge PAYSON. Not in the least. It grew out of a letter addressed to the Secretary of the Interior from friends of his in Missouri, which letter was sent to the Commissioner of Pensions with a request for him to reply in full thereto, and the letter and exhibit attached were sent to the Secretary under those circumstances. Gen. Bussey had nothing whatever to do with it.

The CHAIRMAN. I guess we will admit it under the circumstances.

Mr. ENLOE. I would like to know whether or not it is the practice of the Department, at any time there is a complaint made against the office, to institute that sort of a correspondence in order to send an answer to the correspondent?

Judge PAYSON. I am not prepared to say what the practice of the Bureau is relative to that; I know what I am advised with relation to this particular matter by Secretary Noble and the Commissioner of Pensions themselves. It was deemed of sufficient importance, so that a full answer was called for to make it full and complete, as it appears to be on the face of it.

Mr. ENLOE. I shall not insist upon the objection if it is desired to put it in. I think it is a matter of inference as to what the object of it was, anyway. It is a matter of argument.

The following statement is offered in evidence:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 12, 1892.

The Hon. SECRETARY OF THE INTERIOR:

SIR: Your letter of the 14th instant to the Assistant Secretary, in regard to certain complaints of preference and favoritism practiced in the Pension Bureau, was, on the 15th instant, forwarded to me by Assistant Secretary Bussey, for my consideration and report.

Upon due consideration of your letter, and recognizing the gravity of such complaints, I decided to cause a careful examination to be made into the business of the office, with a view of determining the question whether there could be any just grounds of complaint that the work of this office was conducted with partiality or favoritism in any of its divisions, and for this purpose I directed the First Deputy Commissioner, Hon. Andrew Davidson, to carefully examine and report upon the work of the eastern division, the southern division, and the law division, and I directed the Second Deputy Commissioner, Hon. Chas. P. Lincoln, to examine and report upon the work of the middle division, the western division, and the old war and navy division. I also directed the chief clerk, Capt. A. W. Fisher, to examine and report upon the work of the mail division and the record division, and I directed the medical referee, Dr. Thos. G. Ingram, and the chief of the board of review, Mr. J. R. Van Mater, and the acting chief of the certificate division, Mr. M. B. Johnson, to make a careful examination of the work of their respective divisions and report on the same.

These gentlemen have performed the duties assigned to them and have made their reports to me, copies of which I have the honor to herewith transmit for your consideration. These reports give a very clear and comprehensive statement of the business methods of the office and the present condition of the work. While they are, in the aggregate, somewhat voluminous I trust that you will take time to read them, and upon doing so I am quite sure that you will be convinced that partiality and favoritism do not, and can not, enter into the business operations of this office.

The prompt and careful manner with which papers are handled and disposed of from the hour they reach the office in the mail division until they are applied to the proper cases, and the careful and systematic manner with which the files are managed, forbid that any particular class of cases should be given preference over others in any stage of a claim, or the evidence to establish it, from the date it reaches the office until it is finally drawn from the files for adjudication; and these reports conclusively show that the work of briefing and adjudicating claims is done in such a manner as is entirely inconsistent with any idea of partiality or favoritism.

On my own behalf I beg to state that I am satisfied that the business of the Pension Office is being conducted in all its branches with fidelity to the interests of the Government and the claimants, and that there is no partiality or favoritism shown to the claimants of one State over another; that the question of politics does not enter into the allowance or rejection of claims; that attorneys living in Washington City are not accorded greater privileges than attorneys living in other parts of the country; and that the cases which they represent are not shown any favor or preference over the cases of other attorneys throughout the United States.

The principal ground of complaint for delay grows out of the fact that the number of claims in the office is so great that they can not all be taken up at once, and that there must, necessarily, be two or three years' delay in the adjudication of some of them.

Very respectfully,

GREEN B. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 22, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: In reply to your verbal direction I have the honor to report that for the last ten years it has been a part of my duty to consider requests for special action in pension claims and to report the same, with my recommendations, to the Commissioner of Pensions for his signature. Within that time, and owing to legislation which has enlarged the scope of the work of the office and brought in new classes of claims from time to time, the number of claims thus made special in the very nature of things has very largely grown from one or two per day, at the beginning of Col. Dudley's administration, to a total of about twenty-five at the present time.

In passing upon applications to make cases special, all those of invalid claimants are drawn and the certificates of the medical examining boards considered. In all cases where special action is recommended a "special" slip is briefed by an assistant, and at the end of the day these are sent to the desk of the Commissioner for signature. There are received in the mail every day from thirty to forty requests for special action, and during the day there are brought in by various attorneys practicing before the office and residing in the city, and by Congressmen and others, perhaps as many more. I think I am safe in saying that I handle probably eighty of these applications each day, but a large majority of them do not come up to the requirements of the Department regulations and are rejected, the papers being filed in the cases to which they belong.

In the cases of widows and dependent mothers and fathers, in which there is no test to be applied, such as the report of a medical examination, I usually proceed upon the prima facie showing of the affidavits filed soliciting such action.

I am certain that no favoritism has been shown by the office to any attorney or set of attorneys, nor to any person or persons whatever, in the matter of making claims special. I am the more sure of this because the decision in these matters has been practically left to me for many years. I have undertaken to fulfill this function with the utmost conscientiousness, and in no case do I make a claim special unless it is strongly shown by affidavits that the party in interest is in the utmost destitution, or suffering to such an extent from ill health that his or her death is likely to intervene promptly.

In making cases special the office has always, since my connection with it, been governed by a circular signed by the Commissioner, in which the conditions for special making are plainly set forth. The one under which I am acting at present is signed by yourself as Commissioner, and countersigned by the Hon. Cyrus Bussey, Assistant Secretary, in which the following tests are prescribed:

"The rule is therefore adopted that, to warrant making a claim special and to have it considered out of its proper order, it must be shown that the claimant is in destitute circumstances, or is sick and in danger of immediate death.

"These statements must be verified by the oath of the claimant, or of other reputable person, and corroborated by the claimant's family physician; but if no physician is in attendance, then, by a neighbor who should give, under oath, reasons for knowing the facts as to the claimant's physical and financial condition."

I am not aware that any departure has been made from this rule, except in a few isolated cases of excessive old age. If city attorneys have any advantage over country attorneys in the matter of procuring special action in cases, it is simply because they have better facilities for procuring clients, and their presence in this city brings them necessarily in contact with that great mass of indigent soldiers who make Washington their Mecca in the hope of obtaining more surer and more prompt action than if they remained farther away.

I have the honor to be, very respectfully,

W. H. SCUDDER.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
DESK OF THE FIRST DEPUTY COMMISSIONER,
Washington, D. C., April 19, 1892.

Hon. GREEN B. RAUM,
Commissioner:

DEAR SIR: In compliance with your directions of the 18th instant to carefully examine into the matter in which the business of the adjudicating divisions under my supervision is conducted, I have the honor to state that I have made the necessary inquiry and submit herewith my report.

In the eastern division I find that all papers pertaining to its business are received from the mail division daily. They are immediately examined and assorted into the classes to which they pertain, and sent to the file clerks. Papers received from the mail division on Monday are assorted on Tuesday and sent to the files on Wednesday morning. If the number of the claim is not in the papers, they are sent, either daily or every other day, to the record division for search and when received back are at once sent to the files.

New claims are received from the law division, assorted and counted in their respective classes, and are then sent to the files. There is no delay in this branch of the division and all evidence and claims are treated alike.

When the evidence reaches the files from the assorting room it is at once assorted numerically and applied to the cases in the files within forty-eight hours after its receipt. If the evidence apparently completes the claim the date of completion is indorsed upon a card, which is placed on the top of the other cards in the pigeon

holes arranged by names of examiners. When an examiner calls for work the cards in the bottom of the files are taken out first and the cases drawn therefrom, thus insuring fairness and regularity in taking up cases for action. If an examiner falls behind the date of the work of other examiners, cards are drawn from his pigeonhole and the cases assigned to examiners whose work is in advance of the average date. In this way the absence of an examiner from the office, or his being on detached service, do not work injustice to his cases, as they are kept up even with the work of the division.

A careful examination of the system used and of the clerks employed convinces me that there is not, and can not be, any discrimination for or against any particular attorneys or classes of claimants in applying evidence, or in the preparation or arrangement of the cards upon which the cases are drawn from the files for adjudication.

New claims are charged out to examiners in the order in which they are filed in the Bureau in numerical order, and no preference is given to any particular case in its class, either by the file clerks or by the examiners.

No more than thirty cases are allowed upon an examiner's desk at any time, and the work thereon must be completed by the examiner before he calls for more cases.

The most careful inquiry fails to show that there is any favoritism in the work, either by allowance of claims which should not be passed or by the delaying or rejection of claims which are proven and should be passed, or that any claims are improperly hastened or delayed in being briefed and forwarded to the board of review.

I find that the work of making calls upon the War Department for the record of claimants is promptly done; also that the work of ordering medical examinations is well up, except in one class of claims, viz, claims for additional pension under the act of June 27, 1890, which, I think, should be at once brought up to a later date. Medical examinations are now being ordered in original claims filed in December, 1891, and in increase claims in March, 1892, while the work of ordering examinations in claims for additional pension under the act of June 27, 1890, has not advanced beyond January, 1891.

The condition of the work of making calls upon claimants for the evidence to complete their claims is as nearly current as is consistent with the performance of other labor of the office. It is impossible to say, except by actual count, how many cases there are in the files in which calls have not been made during the past six months, but it is estimated that it would take twenty clerks sixty days to make all calls necessary in new claims which have not yet received any action.

I find that a large mass of testimony has accumulated pertaining to cases now on the admitted files, which is termed "miscellaneous evidence." This has been arranged in numerical order and as to date of filing, and the cases are drawn from the admitted files in their regular turn whenever the examiners engaged upon this class of claims call for work. This evidence is not applied to the cases until they are reached for action, and as the force employed on this work is necessarily limited, there is a large amount of evidence of this class awaiting action.

I am informed that about two years ago this accumulation had reached 400,000, and this has now been reduced to about 13,000.

Invalid claims completed prior to February 1, 1892, and widows' claims completed prior to November, 1891, have been reached for the action of the examiner.

SOUTHERN DIVISION.

I have also made an examination into the manner in which the business of the southern division is conducted, and find that the system and methods in use are substantially the same as in the eastern division.

The receipt of papers, their assortment and application to the cases, the preparation, arrangement, and handling of the completed files, the manner in which cases are drawn for the examiners, and all other methods relative to the disposition of claims are the same as those employed in the eastern division.

The condition of the work in the southern division renders slight variations necessary, however, n charging out new claims to the examiners. The dependent section is so near up to date with the work that new cases are distributed to the examiners for first calls immediately upon their receipt in this division. The general condition of the work is so well advanced that this division may be said to be up to date with all its work, and it will be seen that even if there was a disposition to favoritism it would not be of any benefit to the parties interested. The most careful inquiry, however, fails to show any discrimination whatever for or against any particular attorneys or classes of claimants in any stage of the work.

It may be proper to state that the only work which is not up to date in this division is the class of cases known as "new disabilities," and this is about fifteen months in arrears. Attention is also invited to the fact that in the class of claims known

as "Additional under the act of June 27, 1890," where the claimants are now in receipt of pensions under the general laws, the work of ordering medical examinations is up to date, while in the eastern division it is about fifteen months behind. In my opinion there is no good reason why there should be so much difference in the progress of this work between the different divisions, and I think the action should be made more uniform.

The number of claims in which first calls have not been made in this division is so small that it could be brought up to date in less than two days.

LAW DIVISION.

I have also examined into the work of the law division as it respects the application of claimants and their attorneys to have cases placed upon the completed files, and have ascertained by thorough inquiry that your order upon this subject is strictly observed and that no preference or favoritism is practiced in said division as between attorneys residing in Washington City and those who reside in other parts of the country.

Applications to have cases placed upon the completed files are received in this division from the mail division daily. They are immediately counted, arranged by divisions, and if found to be in proper form are approved and sent to the divisions to which they pertain.

These slips are never allowed to accumulate, but are disposed of daily, and within twenty-four hours after their receipt in the division. The number of applications ranges from 500 to 1,000 daily, and many of them are sent by claimants personally, as well as from attorneys residing out of this city.

With reference to the conduct of business in my own office I desire to state that there can be no just ground of complaint of "preference and favoritism" that works to the advantage of local attorneys and others.

Attorneys residing in this city are permitted to draw two cases a day, for four days in the week, for personal examination of the papers. Frequently attorneys residing out of Washington visit the city for the purpose of examining the cases in which they are interested and the greatest courtesy is shown to them at all times.

When their stay in the city is limited I permit them to draw as many cases as they can properly examine, and afford them this privilege upon every day in the week when desired by them and when it does not interfere with the public business of my office.

I would also state that your order of February 29, 1892, that "Hereafter no claim shall be taken up for adjudication upon a call for status except in the order of its completion as to point of time" is implicitly obeyed in my office. No exceptions of any kind are made in the application of this order except in cases made "special" by your order.

Very respectfully,

ANDREW DAVIDSON,
First Deputy Commissioner.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE DEPUTY COMMISSIONER,
Washington, D. C., April 19, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: I am in receipt of your communication of the 18th instant, in which you direct me to carefully examine into the manner in which the business of the adjudicating divisions under my supervision is conducted, and in reply thereto I have the honor to state that I have made such an examination and find the following methods to obtain in the old war, western, and middle divisions, reciting my answers to your interrogatories in the order in which they are propounded:

First. All papers for these adjudicating divisions are received at the desks of the principal file clerks, except some few papers which are addressed and forwarded to the chief of the division for consideration under his particular direction. All claims, all evidence, including War Department reports, examination certificates, status calls—Congressional and otherwise—are received by the chief file clerk and under his direction are arranged for distribution and a proper application to the cases. New claims when received are properly assorted and arranged, and such other disposition made as is consistent with the condition of the work. In the old war and middle divisions a call upon the War Department or Navy Department, as the case may be, for a statement of service is made and an order for medical examination issued in original invalid claims at once before the claims are placed in the files.

In the western division these new claims are first placed in the files and then drawn

therefrom in consecutive order, according to the date of filing, at a very early date thereafter for these first calls. Increase applications are arranged numerically and in the order of their filing, and in about a month or six weeks thereafter are placed with the cases to which they relate and a medical examination is at once ordered, or such other action taken as the particular condition of the case justifies.

Second. The new evidence when arranged by classes and numbers is promptly and properly applied to cases when it is possible so to do. There are times, however, when the volume of evidence filed exceeds the capacity and ability of the file clerks to apply it, and this work falls probably a week or ten days in arrears, but before greater headway is lost a detail of examiners is made to assist at this work, so that the application of evidence is very generally made shortly after its receipt in the adjudicating divisions.

There is some evidence, however, to which these remarks will not apply, and this evidence is what is commonly known in the adjudicating divisions as "miscellaneous certificate evidence." This evidence receives its designation and accumulates in the following manner: In going over the increase pending files of the adjudicating divisions for the application of evidence there are found many pieces of such evidence for which there are no cases in these files. Presumably these cases are in the admitted files, and to draw them and apply the evidence, and place them in the increase files of the adjudicating divisions, would crowd those files beyond the point of accommodation. Then, too, the clerical force of the Bureau is so otherwise busily occupied that there is no one to handle this work. The class of cases here referred to are those in which a claim under the new law has been allowed and a claim under the old law is yet pending; those in which one of several disabilities alleged has been adjudicated, and the others, not being proved, are undisposed of; those in which increase or new disability claims have been rejected and additional testimony has been filed to reopen them, and those in regard to which many miscellaneous inquiries are from time to time made. The filing of evidence with these cases immediately after its receipt being impracticable it is arranged numerically and retained in the adjudicating divisions until at such time as is possible, the cases to which it relates are drawn from the admitted files, and this evidence having been applied to them is carefully considered and proper action taken.

So far as regards any discrimination for or against any particular attorney in applying evidence to cases when received, or in the preparation and arrangement of the cards upon which cases are drawn from the files for adjudication, or in the drawing of cases for adjudication, I must emphatically state there is none whatsoever. A file clerk in applying evidence is entirely too much occupied to notice the name of the attorney by whom it is filed. His concern is only with the soldier's name and number indorsed on the papers in his charge and their proper application to the cases to which they relate, and he has no time, and, considering the spirit of emulation which prevades these clerks in the discharge of their duties, no inclination for anything else. Accuracy of application is a matter also of moment, as a mistake made by one file clerk is the subject of knowledge, comment, and very often ridicule, by his coworkers. The preparation and arrangement of the cards upon which cases are drawn from the files for adjudication is carried on in accordance with existing orders, the case which is first completed being the one which is first drawn for settlement, and as the name of the attorney does not appear on the file slip, it is not known by the clerk, when the slips are placed in his hands, whose cases he is drawing.

Third. The manner in which examiners handle cases is, so far as I am informed, file clerk, who obtains for him from the files a number of cases. Very generally the uniformly the same throughout the Bureau. His request for work is made to the first of those cases he examines is the first which comes to his hands, though there are some examiners who will give a casual glance at each of the cases placed on his desk, dividing them into those which are apparently complete and those which apparently are not so.

If any favoritism is practiced as to the order in which these cases are taken up by the examiner (and I know of none), it is of so little consequence as to be of no practical benefit to anyone. If favoritism of material benefit were practiced by an examiner it would result in the accumulation of cases on his desk, an evil which the chiefs of divisions assure me they particularly guard against. It is also to be considered that each examiner desires to be the best in his division, and it is not to be supposed that he will prejudice his own record or his own interest by the exercise of any favoritism in the handling of his cases.

So far as concerns the allowance of claims which should not be passed, or the rejection of claims which are proven and should be passed, these are matters not within the control of the examiners. While a particular recommendation may be made by the adjudicating divisions, yet the work of admitting and rejecting claims is performed in the board of review and medical division, and for the reasons stated above claims are not improperly hastened or delayed in being briefed and forwarded to the board of review.

Fourth. The work of making calls upon the War Department for the military and medical record of claimants and the work of ordering medical examinations is performed as I have stated in the reply to your first interrogatory. In the old war and middle divisions it is promptly done—that is, before the cases are placed in the files; in the western division it is done as soon after the placing of the cases in the files as the condition and volume of the work will permit. If, at the date of making this call on the War Department and in ordering this medical examination, it is found that some evidence from the claimant is necessary, a call is then made for it.

In the old war and navy division the following is about the condition of the work:

Army invalid cases completed in January last are now being drawn.
Army widow cases completed in February last are now being drawn.
Army invalid cases incomplete evidence filed in October last are now being drawn.
Army widow cases incomplete evidence filed in October last are now being drawn.
Navy invalid cases completed in December last are now being drawn.
Navy widow cases completed in January last are now being drawn.
Navy invalid cases incomplete evidence filed in January now being drawn.
Navy widow cases incomplete evidence filed in January now being drawn.

In the western division the following is the condition of the work:

Invalid cases complete and incomplete of March last are now being drawn.
Widow cases complete and incomplete of March last are now being drawn.
Straight increase cases complete in July last are now being drawn.
New disability cases of February, 1891, are now being drawn.

In the middle division the following is the condition of the work:

Invalid cases complete and incomplete of January last are now being drawn.
Widows' cases complete and incomplete of September last are now being drawn.
Straight increase cases complete in February last are now being drawn.
New disability cases of May, 1890, are now being drawn.

The number of clerks that would be required to make calls in all cases in sixty days, in which calls have not been made during the past six months, is not to be ascertained without the expense of much time and labor. In this connection it would be necessary to know the number and condition of all old law claims yet pending in which new claims have been allowed, and when these latter were allowed; also to know the number of new disability claims pending, the number of claims adjudicated on one disability and in which other disabilities are undisposed of, as well as the condition of the claims on account of these remaining disabilities, and the number of rejected claims—invalid and widows'—in which new evidence has been filed. To obtain this knowledge much time and labor must necessarily ensue, and without this knowledge any statement as to the number of clerks required for the purpose indicated would be mere uncertain guesswork.

Fifth. There can be no just ground for complaint of "preference or favoritism" in the manner in which the public business is transacted in my own office. Every one is treated alike, and it has always been my desire to accord the same courteous treatment to all, the lowest as well as the highest; to accede to any request made not inconsistent with the law and the rules of the Bureau, and to apply the remedy to any complaint brought to my attention, no matter by whom preferred. Such, also, has been the endeavors of those clerks transacting the public business under my immediate supervision.

In conclusion, Mr. Commissioner, I desire to state that such matters herein stated as are not within my personal knowledge have been obtained by personal inspection and interviews with the chiefs of the divisions under my supervision, and the chiefs of the files sections of those divisions. Complaints and charges of favoritism will ever arise where there are so many and such varied interests grouped together as is the case in this business of pensions. The animus, no doubt, is due to ignorance, prejudice, and an entire want of conception of the character and volume of business pending before this Bureau. Were the business better and more generally understood complaints would be less frequent and more credit attached to the great work of the Pension Bureau,

Very respectfully,

CHARLES P. LINCOLN,
Deputy Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, CHIEF CLERK'S DESK,
Washington, D. C., April 19, 1892.

Hon. COMMISSIONER:

SIR: In reply to your order of this date I have the honor to report that I have made careful inquiry as to the manner of work of the mail and record divisions, and

am thoroughly convinced that all claims and evidence coming to the office are promptly disposed of in the order in which it is received, without any regard as to State from which the claims come, or the attorney who presents the same.

The work is up to date in both divisions.

I beg to submit herewith a statement from chief of mail and record divisions.

Very respectfully,

A. W. FISHER,
Chief Clerk.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 18, 1892.

Capt. A. W. FISHER,
Chief Clerk Pension Bureau:

SIR: In response to your request of this date, I have the honor to report that on arrival of the mail from the city post-office it is dumped upon the distributing table, where the personal, department, and missent mail is first selected. The official mail is then counted, opened, and charged out to different clerks for inspection and acknowledgment. It is then stamped with the current date, assorted for the respective divisions, each piece counted, and put up in packages, regardless of the names of writers, and labeled to the chiefs of the different divisions of the Bureau.

The mail is all distributed, as a rule, inside of twenty-four hours. There are rare cases, however, where thirty-six hours are required for this purpose, owing to the absence of some of the clerks or the accumulation of mail over holidays and Sundays.

Very respectfully,

T. M. HERMANN,
Chief of Mail Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, RECORD DIVISION,
Washington, D. C., April 18, 1892.

Capt. A. W. FISHER,
Chief Clerk:

SIR: My attention having been called to a statement made by the Hon. Secretary of the Interior to the Hon. Commissioner of Pensions to the effect that preference and favoritism are practiced in the Bureau of Pensions to the advantage of local attorneys, I must say, in reply, that the charge certainly does not relate to the conduct of the business in the record division. No attorney or other outside person is considered with any preference whatever in the necessary handling of pension papers by this division.

No paper is improperly hastened or delayed.

Since the 1st of January, 1892, no claim or other paper is detained in the record division for a period longer than ten or twelve days. All claims and evidence passing through this division are, as far as can be, disposed of according to the date of filing.

Very respectfully,

E. J. TOTTEN,
Chief of Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, MEDICAL DIVISION,
Washington, D. C., April 18, 1892.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: Your communication of this date directing me to carefully examine into the manner in which the business of the medical division is conducted is at hand, and in reply I submit the following:

Since my connection with this division it has been the practice to act upon claims in the order of their being received in the division. While acting medical referee in 1889, soon after you entered upon your duties as Commissioner, I changed the practice which I found prevailing in the division where claims were acted upon by special sections and where I found a large number of cases of old dates were upon the examiners' desks, and directed that all claims should be acted upon promptly in the order of their being received in the division and without respect to the peculiar character

of the disability or disabilities; that each examiner should act upon disabilities irrespective of their nature, unless it was those concerning the deeper structures of the eye, which were to be handled by those examiners expert in such diseases.

There were prior to this change many cases of old dates in the division, but they were promptly acted upon and forwarded. Since that time I have adopted specific methods of handling all cases which reach this division with the view of having them promptly acted upon in the order of being received here. The place in practice since November, 1891, is as follows:

All cases as they reach this division from the board of review, either as original, increase, or miscellaneous work, are immediately separated into ten bundles, determined by the terminal figure of the number of the claim. These bundles are again divided into bundles of 25, upon which a slip is placed bearing the date of the receipt of the cases in this division. The slip has placed on it the names and numbers of the 25 cases. It is also given a number corresponding to a column in a record book containing also a list of the 25 cases as they appear on the card. The bundle of 25 cases, with its slip, is then strapped and placed in our files.

The surgeons engaged in the primary action upon these claims, known as "examiners," are divided into sections determined by the block of desks at which they sit. These sections are about ten in number, and each section is accorded the work upon cases which end with a certain terminal figure, so that when an examiner is out of work a file clerk takes him a bundle of cases from the files whose numbers end with the terminal figure to which he is entitled. There are instances where, in order to even the work up to the date being acted upon, a section in advance of the others is given work either above or below the terminal figures accorded to it. When the work is taken from the files and given to an examiner it is checked from the book in which the duplicate records are kept, and the bundle of cases next in order upon the books is first charged out.

Upon the receipt of work the name of the examiner and the date of its being given him are placed upon the slip accompanying the twenty-five cases, and no examiner may take up or engage upon a new bundle of cases until the twenty-five upon his desk have been disposed of. No disposition can be made of these cases without his action being placed upon the slip in a column prepared for it unless the case has been called for by the honorable Commissioner or by some one in authority, when the examiner is required to make a note at the bottom, designating it as having been referred to the medical referee, which removes it from its place on the slip.

When this bundle of cases has been disposed of by the examiner it is taken by messengers to the rooms devoted to reviewing and is placed upon a table. When a reviewer is out of work a bundle of the oldest work on hand is taken to him, irrespective of the examiner, except with the understanding that no reviewer shall receive or act upon two bundles of work of any examiner consecutively, the aim being to distribute this work among reviewers with a view to having them receive the work of each examiner in turn.

When a reviewer receives a bundle of 25 cases he notes the date of its receipt and adds his name upon the slip accompanying the bundle. In reviewing the work that in which he is in full accord with the examiner he checks, and when he differs in opinion from the examiner he is required to take this case to the examiner's desk and in consultation with him reach a concurrence. If a concurrence can not be reached the case is brought to the attention of the medical referee, who confers with each of them and aids in reaching a concurrence of opinion based upon the merits of the claim. When a bundle of cases has been reviewed and each one of the 25 has been disposed of, they are immediately charged out to the board of review.

The plan adopted with respect to cases submitted for opinion or for action from the several adjudicating divisions is entirely in accord with the above, except that they are not placed in bundles of twenty-five, but of a lesser number.

I am constantly on the watch to see that the above plan of procedure is carried out accurately, and my assistants and file clerks are in accord with me in seeing that the method is strictly complied with. I have this day made a careful inquiry and find that nothing contrary to the above method of procedure is to be found. The plan of itself is so complete and methodical that I can not conceive that it admits of violation without exposure or without bringing an infraction of it to my attention, and I do not believe that any infractions or violations of the method occur.

With regard to the claims made special, which must be acted upon as soon as they are received, they are disposed of in exact conformity with the above plan and are subject to the same regulations. These are the only claims which in any manner are passed upon or disposed of out of their regular order.

In answer to your question whether any preference or favoritism is given to the cases of any particular attorney or class of claimants, I must say, that this division, having nothing to do with the consideration of the question of who is the attorney, pays no attention to the matter whatever, and I do not believe that any possible

prejudice in favor of one or another attorney, or in favor of any class of cases, can be found here.

I am satisfied that the work progresses in strict compliance with the above plan, and that in no instance can it be violated without the connivance of a large number of persons concerned in the handling of each case, and I am equally satisfied that no such connivance or violation of my directions is practiced.

The work upon original claims in this division is current, or they are acted upon within a day after their receipt from the board of review. Of increase cases we have about 11,000 on hand, and no one can be found which was received here more than a month ago.

There are no cases pigeon-holed and none are delayed in the division except it be a few cases on appeal upon my desk awaiting my personal investigation. In cases upon appeal where an increase or rerating is claimed I have by your directions not allowed them to interrupt the progress of the current original and increase work before us. These cases are but few in number and are being disposed of as rapidly as possible.

I have made this statement quite full, giving you the method of our procedure at length, in order that you may at once see how impossible it would be to violate our plan of work without its being known to every one in the division, or to any person familiar with it.

I have the honor to be, very respectfully yours,

THOS. D. INGRAM,
Medical Referee.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 20, 1892.

MR. COMMISSIONER: I acknowledge the receipt of your letter of the 18th instant, referring to a letter of the Secretary, in which he stated that he has very strong evidence from many parties that there is preference and favoritism practiced in the Pension Bureau by some means that works to the advantage of local attorneys and others.

You require me to ascertain whether claims, as they reach the board of review, are taken up for action in the order as to date on which they are received; whether there is any preference and favoritism in handling cases by the file clerks, reviewers, or re-reviewers; whether any cases are pigeon-holed and delayed in the board so that any particular attorney's claimants or classes of claimants are favored or prejudiced.

In reply I will state the system used, wherein I have studied to prevent partiality. Cases, as they are received from the divisions, are stamped with date of receipt, tallied for report, and placed in our files in the order of the date of their receipt. When reviewers need work, their orders for it are approved by the chiefs of sections, and thereupon cases of an even date in order of receipt from all the divisions are charged to them, a slip being placed in the files showing such charge. The orders for work are required to be approved by chiefs of sections so as to avoid the laying aside of cases of difficulty on reviewers' desks to take up easier ones, as it is a violation of orders to receive a new supply of cases while there is unfinished work on a desk.

Upon the completion of the day's work the cases are transferred to the re-reviewing section for a second review, for the prevention of errors of judgment or of a clerical nature. The re-reviewer places his initials upon the findings of the first reviewer, if he approves them; otherwise, he writes his objections upon a slip which goes to his chief of section for approval. If a concurrence is reached, the case goes forward; if not, it is sent to the chief of the board for decision of the point of difference.

No person engaged in the examination of cases in the board of review knows in advance what cases or class of cases will be submitted to him for examination.

I will state that the chiefs of sections of the board have had an average service in the Bureau of fifteen years. They were selected for their fitness, and are each men of the greatest purity of life and of unquestioned integrity of character.

The re-reviewing section comprises twenty-four men whose average length of service reaches over seventeen years. They are all men of high character. An inspection of the dates of appointment of the members of the three other reviewing sections will show long service, and all are impartial men.

When the cases have received the action of the reviewing and re-reviewing sections they are at once charged by the file clerks to the divisions to which they are to go—the great bulk to the medical division for the action of the medical reviewers. I do

not believe that any file clerk would be guilty of attempting to delay or to unduly forward a case. The act could not escape detection for any length of time, and would result in instant dismissal. I believe that any one who would stand for an hour in the file room and witness the volume of work and the energy and activity necessary to forward it would reach the conviction that it would be impossible for any one to tamper with the cases.

No case is permitted to leave the board for a necessary purpose not connected with the review (as for consolidation), nor is the whereabouts of a case permitted to be given unless the slip receives the initials of the chief of the board or his assistants. This is done for the protection of the file clerks, as well as to keep track of every part of the work.

When the cases that have received the favorable action of the medical division have been returned to the board, they go to the section of raters—skilled and accurate men, who enter upon the brief the rates found in the medical approvals. Each clerk initials his work. The cases then go to the attorney clerks, who review the question whether the attorneys are recognized by the Department and whether the fees are correct under the law and decisions. Here, too, each man initials his work. The rating and attorney clerks are in a section under the charge of a chief, selected for accuracy and integrity. He has had an experience in the Bureau of nearly ten years. Here, too, the volume of work is so great as to prevent, in my belief (leaving the question of integrity out of consideration), any collusion, preference, or delay.

The cases are at once taken from the raters to the recording clerks, who make a record of them, after which they are at once sent forward to their destination, when my responsibility for them ends.

The reviewers, re-reviewers, rating clerks, and attorney's clerks each make a daily report of their work. Errors are charged up and are considered in making up the clerical record.

Upon the receipt of your letter I addressed a letter to the chiefs of sections as to the subject of your inquiry. These letters and the replies to them are inclosed and make a part of this report.

I wish, in closing this statement, to refer to an exceptional class of cases that I have been compelled to hold up for a short time. These are the cases that need an authoritative decision as to the law or facts before I can proceed with them. Such, for illustration, as to whether rejected recruits are entitled to have their service considered. Again, as to what steps should be taken for the special examination of certain Indian home guard cases in the Indian Territory.

These represent small classes of cases where a temporary delay is necessary to avoid error in adjudication.

This report does not refer to cases made special by the Commissioner for cause, which cases are at once advanced.

Correspondence is not conducted by the board of review.

I wish to add to the statements of the chiefs of sections my own that favoritism or partiality is not practiced in the board of review.

Very respectfully,

J. R. VAN MATER,
Chief Board Review.

I concur in this report.

A. J. WAGSTAFF,
Assistant Chief Board Review.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1893.

Mr. CARR,
Chief Rereview, Sec. No. 1, Board of Review:

Will you please inform me whether you supervise the orders for work from reviewers, and whether there is any preference or favoritism in handling cases in your section so that any particular attorneys or classes of claimants are favored to the delay or prejudice of others.

Are there any claims allowed to be pigeon-holed or delayed in your section to their prejudice and other claims passed upon and disposed of out of the order as to time?

J. R. VAN MATER,
Chief Board of Review.

GEO. W. CARR,
Chief of Sec. 1, Board of Review.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

MR. DALTON,
Chief Reviewing Sec. No. 2, Board of Review:

Will you please inform me whether you supervise the orders for work from reviewers, and whether there is any preference or favoritism in handling cases in your section so that any particular attorneys or classes of claimants are favored, to the delay or prejudice of others.

Are there any claims allowed to be pigeon-holed or delayed in your section to their prejudice and other claims passed upon and disposed of out of their order as to time.

J. R. VAN MATER,
Chief Board Review.

Reply.

APRIL 20, 1892.

MR. VAN MATER,
Chief of the Board of Review:

In reply to the questions indicated above I have to state that I personally supervise the orders for work from the reviewers in the section under my charge, and there is no preference or favoritism shown in handling claims, so that any attorney or attorneys or classes of claimants are favored to the delay or prejudice of others. There are no claims allowed to be delayed to their prejudice, nor are claims passed upon and disposed of out of their order as to time.

T. W. DALTON,
Chief Section 2.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

MR. COLEMAN,
Chief Reviewing Sec. No. 3, Board of Review:

Will you please inform me whether you supervise the orders for work from review

Reply.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

J. R. VAN MATER, Esq.,
Chief Board of Review:

SIR: In response to your inquiry of even date herewith, I have the honor to report that all calls for work by reviewers in my section of the board of review are made by me in my own handwriting, and said calls for work are made without preference or favoritism as to attorneys or class of claims.

There are no claims allowed to be delayed or disposed of out of their order as to time of receipt by reviewers.

Very respectfully,

P. W. COLEMAN,
Chief Sec. 3, B. of R.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

Mr. DAVENPORT,
Chief Reviewing Sec. No. 4, Board of Review:

Will you please inform me whether you supervise the orders for work from reviewers, and whether there is any preference or favoritism in handling cases in your section, so that any particular attorneys or classes of claimants are favored to the delay or prejudice of others?

Are there any claims allowed to be pigeon-holed or delayed in your section to their prejudice, and other claims passed upon and disposed of out of their order as to time?

J. R. VAN MATER,
Chief Board of Review.

Reply.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 20, 1892.

Mr. J. R. VAN MATER,
Chief of Board of Review:

SIR: In reply to your communication of yesterday, I have the honor to inform you that all orders for work in Section No. 4 pass through my hands.

No preference is given to any particular attorney or firm of attorneys—the rules of the office governing such matters are strictly adhered to and the party or parties entitled to recognition without fear or favor.

As a reviewer must clear his desk before new work will be given him, no claims are pigeon-holed or held back to their prejudice, and none are advanced out of their regular order.

I remain, most respectfully, your obedient servant,

J. L. DAVENPORT,
Chief of Section 4.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

Mr. PEARCE,
Chief Rating Section, Board of Review:

Will you please inform me whether, during the time cases are in your section for the purpose of having rates entered upon the briefs, there is any preference or favoritism in handling the cases, so that any particular attorneys or classes of claimants are favored to the delay or prejudice of others?

Are any claims allowed to be pigeon-holed or delayed in your section to their prejudice and other claims passed upon and disposed of out of their order as to time?

J. R. VAN MATER,
Chief Board Review.

Reply.

APRIL 20, 1892.

MR. VAN MATER,
Chief Board of Review:

Under your orders the desk of a rater must be clear of available work before he c take any more, and to my knowledge the order is carried out strictly. There is favoritism shown in handling cases, neither are any delayed or pigeon-holed to t prejudice of others. Every case that is without error and can be rated without i structions is rated and passed immediately upon receipt in the section.

Very respectfully,

W. H. PEARCE,
In Charge.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

The Attorney Clerks, Board of Review:

Please inform me whether, in examining the briefs to ascertain if the attorneys a properly recognized and the fees correct according to law, there is any preference favoritism shown to any class of claims.

Do you know of, or have you, or either of you, received any order, written, verba or implied, from any person whatsoever, to hold up or show favor to any case cases whatever, except those that are made special for cause, over the signature the Commissioner?

Do you know of any case or cases where any attorney has been favored, in any wa whatever, in the examination of cases filed by him?

Do you know of any case where any attorney has been prejudiced in any wa whatever in the examination of cases filed by him?

You may reply to this letter individually or jointly, but I wish the signature every clerk employed on this work.

J. R. VAN MATER,
Chief Board Review.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

MR. J. R. VAN MATER,
Chief Board of Review:

SIR: In response to the several questions asked in your letter of this date, we, th undersigned, attorney clerks of the board of review, make the following reply:

First. We have never shown any favoritism or preference to any attorney or class claims in examining the face brief to ascertain whether the proper attorney has bee recognized, or whether the correct fee has been certified.

Second. We have never received any order, written, verbal, or implied, from an person whatever, to hold up or show favor to any case or cases whatever, except tho made "special" for cause over the signature of the Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

MR. ULINE,
Chief Recording Section, Board of Review:

Will you please inform me whether in your section there is any preference or favoritism, so that any class of claims is favored or delayed?

Are there any claims allowed to be pigeon-holed or held up and other cases recorded out of their order as to time?

J. R. VAN MATER,
Chief Board Review.

Reply.

No preference or favoritism is shown any class of cases except those made special by the Commissioner of Pensions.

All admitted cases are recorded either the day they are received or the following day, and forwarded to the Army and Navy survivors' division without delay.

G. W. ULINE,
Chief Record Section.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 19, 1892.

MR. SWASEY,
Acting Chief of Files Section, Board of Review:

Please inform me what is the existing order as to the receipt and charging of cases to reviewers, and whether this order is strictly complied with.

During the charging of cases to members of the board or to other divisions, is any class of claims delayed or advanced so as to prejudice or favor any case or class of cases, or any attorney or attorneys?

Is any unauthorized person permitted to inspect the papers of any case while in your custody?

I would like Mr. McGilly, who has the immediate charge of receiving the cases from divisions and charging them to reviewers, to join you in your reply.

J. R. VAN MATER,
Chief Board Review.

Reply.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, BOARD OF REVIEW,
Washington D. C., April 20, 1892.

MR. VAN MATER,
Chief of Board of Review:

SIR: I herewith respectfully submit the following statement to the accompanying inquiries:

Cases submitted to the board of review for action are received by the file clerks, who stamp, tally, and file them in systematic order according to date, and they are charged out in the order of their receipt. Cases are charged to reviewers upon their orders approved by chief of section, which are filled as speedily as possible.

This order as to the receipt and distribution of cases is strictly complied with. The receiving desk is in charge of Mr. McGilley.

In charging cases to reviewers or divisions no claims are delayed or advanced to the detriment of others, nor is there any prejudice or favoritism shown any case or class of cases, any attorney or attorneys. No one but those in authority are allowed access to the papers of any claim while in the custody of the chief of files, unless authorized by the chief of the board of review or his assistants.

Very respectfully,

J. W. SWASEY,
Acting Chief of Files.
CHARLES MCGILLEY,
In charge of Receiving Desk.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, CERTIFICATE DIVISION,
Washington, D. C., April 18, 1889.

Hon. GREEN B. RAUM,
Commissioner of Pensions:

SIR: In compliance with your direction of this date I have the honor to report as follows:

Having been connected with the certificate division for the past seventeen years, and assistant chief for the last nine years, I am perfectly familiar with its workings, a brief summary of which will show the ordinary routine attending the issue of certificates.

The cases admitted by the board of review for issue are received each afternoon in bundles. They are at once assorted by classes, original invalids, original widows, reissues, etc., and placed on the recorders' desks. They are recorded in the proper books of issue the succeeding day, by certificate number, name, service, and agency and as fast as entered are distributed to the certificate writers, who prepare certificates and orders to inscribe from the approved briefs. These are then reviewed, the certificates sorted, counted, compared with the recorders' sheets, and then sent to the Commissioner's room for final review, signature and transmittal to the honorable Secretary of the Interior for signature and seal.

The orders to inscribe go to the chief of the jacket section for the preparation of the necessary file jackets, or indorsement on old jackets if a reissue, and "admission slips" for the record and adjudicating divisions. The order to inscribe and jacket are then sent to the chief of the notice section who has notices of issue prepared for the claimant, attorney, and accounting officer of the Treasury.

The completed papers, properly signed, are then forwarded to the chief of the mailing section where they are applied to their proper certificates, meanwhile received back from the Interior Department, arranged by agencies and placed in envelopes which are sent each afternoon to the mail division at 3:30 for mailing.

This is the unvarying routine of the work from day to day. Cases are disposed of in the order of their receipt. This is an absolute rule, and should the number received in any one day be so large that they can not be worked off on the succeeding day, nothing else is touched until they are all written. The mailing is done in the same order and under the same rules, which, it may be added, are rigidly observed.

In concluding permit me to say that the chiefs of sections exercise a personal supervision over all matters coming to them, distribute and collect the work, and keep a record of the amount done by each clerk. Under the well-ordered system prevailing it would seem impossible for a clerk to take out any cases from their proper order and advance them—each day's work being kept entirely separate and distinct—without immediate detection. As a rule the cases received in one day are are all written up the succeeding day.

Very respectfully,

M. B. JOHNSTON,
Acting Chief of Certificate Division.

Mr. DUNGAN. I wish to call the attention of the committee to some matters in this statement that Gen. Raum has sent in which I think not only are incompetent, but grossly improper, and some of it that is simply unnecessary. On page 69, beginning on 69 to 93, inclusive, those pages are entirely taken up with a list of names and the dates of their dismissals and whether reinstated and so forth; that covers the dismissals from March, 1885, to March, 1889.

Judge PAYSON. It is intended to cover the Cleveland administration.

Mr. DUNGAN. It comes down to the date of the last dismissal, so that certificate says, to October, 1889.

Judge PAYSON. That is the time Gen. Raum took possession then.

Mr. BROSIUS. That covers Mr. Tanner's and Gen. Black's administration.

Mr. DUNGAN. The objection I make to that is not as to its incompetency, but it is unnecessary, because in his statement he gives the gross figures, and I compared them with this and it is correct.

Judge PAYSON. The names are put in to verify the figures, and if any question was raised as to the character or personnel of the individuals this record ought to show who the men were who were dismissed

and when they were dismissed, so that Congressmen or anybody interested might be able to know all about it. The history is not complete without the details given.

Mr. ENLOE. There is another ground which I think ought to be stated in connection with that, and that is we are investigating this administration of the Pension Office, as I understand it, and when I offered to introduce part of the record here in regard to the rerating episode the objection was then made that it did not relate to Gen. Raum's administration, and the chairman of the committee ruled that we were investigating Commissioner Raum's administration and that was the scope of the investigation.

Judge PAYSON. But the whole testimony of the rerating went in in Gen. Bussey's testimony.

Mr. ENLOE. When I offered to show the character of it, then the point was made and sustained by the chairman. I offered to put in the result of that investigation made by Secretary Noble.

Judge PAYSON. The ground of the objection was that it already appeared in a public document, which document was accessible to the members of the House if they desired to get it. The only thing precluded from the record was the reprinting of that document.

Mr. DUNGAN. I do not raise the question of the admissibility of these names on the ground of incompetency, but on the ground of its being entirely unnecessary.

The CHAIRMAN. The question is whether the committee think those names should go into this record or not, I suppose. Mr. Dungan, how many pages does it take up?

Mr. DUNGAN. Pages 69 to 94.

The CHAIRMAN. You say the net results are set forth on another page?

Mr. DUNGAN. He states the net result of the discharges according to these names. I have run over that and found it correct.

The CHAIRMAN. If those names go in, there ought to be some further proof that those dismissals by Gen. Black were for cause or not.

Mr. DUNGAN. There are some statements made in regard to the acts of Gen. Raum in connection with the dismissals made by him, but there are none given in Gen. Black's dismissals.

The CHAIRMAN. Will you undertake to furnish the committee with the facts in regard to that, Mr. Bailey?

Mr. ENLOE. I object to the admission of it, and I say if you put that in I am authorized to go back into Gen. Black's administration and see if he did it properly. If the chairman wants to admit this I want it to go in with the statement, in admitting this testimony, this list of names of persons dismissed under Gen. Black and Tanner's administrations, if it is admitted for the purpose of showing that the Commissioner had acted properly himself in discharging people, that I object to its competency, that it does not prove anything in regard to his conduct in dismissing persons since his administration began.

The CHAIRMAN. The action of Commissioner Raum in discharging persons has been investigated and is in evidence in the record, and when the conclusion is reached it will be reached on all the evidence admitted, and if this is admitted it will all be considered together, at least so far as I am concerned, in coming to a final conclusion.

Mr. DUNGAN. If we admit this it will necessitate a little further examination in regard to some of the names on these lists.

The CHAIRMAN (to Mr. Brosius). Do you desire those names to go in, Mr. Brosius?

Mr. BROSIUS. Yes, sir; because they are legitimate to show what is alleged by the Pension Bureau, the statement of progressive efficiency in that office ever since the present incumbency.

The CHAIRMAN. Very well, then, let it go in in that way. Mr. Dungan, have you anything further to say in objection to that statement?

Mr. DUNGAN. Yes, sir; from page 40 to page 54 I think is not only incompetent but is thoroughly improper and opens up a matter we have no business opening.

(Mr. Dungan reads and explains to the committee that portion of Gen. Raum's statement referred to, from pages 40 to 54.)

The CHAIRMAN. As far as I am concerned it may be entered into this record. There is no evidence in the record tending to show any wrong on the part of Gen. Raum in dismissing George W. Flemming.

(After Mr. Dungan reads letter of September 12, 1890, Judge Payson stated as follows:)

It is admitted on all hands, then, that the letter he has read, dated September 12, 1890, should be stricken from the record.

The CHAIRMAN. What is the next thing, Mr. Dungan?

Mr. DUNGAN. He states here, and I object to this, several things in regard to Mr. Flemming, and in which he connects Gen. Black, and I will read it.

(Mr. Dungan reads portion of statement of Gen. Raum, referring to Mr. Flemming when special examiner in New York State.)

I don't think that statement ought to be permitted to remain in there.

Mr. BROSIUS. As the record stands, it shows there is no accusation against him for dismissing this man Flemming, there is no evidence on the subject, so that matter drops out of the inquiry, it seems to me.

Judge PAYSON. I want to make a suggestion in that regard. If that were the only question it would be, but in connection with that is the connection of this man with those other men, Howard Engle and those people.

Mr. ENLOE. I make a motion, Mr. Chairman, to strike out the whole business in relation to Mr. Flemming.

The CHAIRMAN. If there was any wrong on the part of the men associating with Flemming; if there was, according to the view of the Commissioner, the knowledge that this man was a bad man, should have been brought home to the men associating with him. There was nothing of that kind done. They met him in the Pension Office as an employé there, and associated with him as they did other employés, and there would be nothing wrong in that unless brought to their knowledge. It strikes me from what I have heard of the matter, that the whole matter is a little too remote for practical application to this investigation.

Mr. BROSIUS. I am quite willing to let it go out so far as it is connected with the dismissal of Mr. Flemming; whether they should remain in for any other purpose we can tell better after an examination.

Judge PAYSON. Let me make a suggestion in the interest of the economy of time. Suppose we eliminate these papers for the present, fastening them together with a proper memorandum by the chairman and leave them in the custody of Mr. Palmer, so they shall stand as a part of the files of these proceedings, and then when, the committee comes to consider the whole case together, as you will, the matter in reference to this part of Gen. Raum's statement can be brought up and some satisfactory action taken by the committee in relation to it.

The CHAIRMAN. Very well; let us pass that for the present then. What else have you there, Mr. Dungan?

Mr. DUNGAN. On page 58 I have marked the statement for cross-examination. It is a statement in regard to medical examinations during the present administration as compared with previous ones. I think a good many pages of this statement are just such a document as I would get up if I were fixing up a campaign document. My general objection to this—of course there are a great many competent, practical, and relative matters in this statement, but I supposed the bulk of it is what Judge Payson would give as an argument.

Judge PAYSON. I have no hesitancy in announcing to the committee that it was done at my suggestion and upon my advice.

Mr. ENLOE. I want to make a motion to refuse to admit the entire statement, on the ground that it does not come within the ground of the terms of that permission which the committee gave Gen. Raum, and it appears to be a document based upon the idea that regardless of what specific proof may have been made here as to abuses in the administration of the Pension Office, that is sufficient in answer to that proof for the Commissioner to say, "I have given the country a better administration than some other administration had been, or I have done my work better and I do not think it comes within the permission given by the Chair.

Judge PAYSON. On page 245 of the printed record, when Gen. Raum was first called as a witness before this committee, referring to that and after some observation by myself with regard to what the Commissioner desired to do, and an objection by Mr. Cooper and Mr. Enloe, and a vote being taken, and so forth, the Chair said, "We will proceed with the investigation with the understanding that the witness has a right before the investigation closes to make such a statement in his own way, if he desires to do so."

In response to that this statement has been made, and, so far as it is respectful, we present it.

The CHAIRMAN. I don't know what is in the statement; I think we can take it up seriatim and dispose of it.

Mr. DUNGAN. The next part of this statement to which I wish to object is that on page 66, in relation to George E. Lemon and Commissioner Raum's connection with him. I will read a portion of it so the committee will understand it.

(Mr. Dungun reads statement beginning on page 66 in relation to Gen. Raum's connection with Mr. Lemon and the borrowing of $12,000 by Gen. Raum of Mr. Lemon.)

Mr. ENLOE. I move to strike that all out. I move to strike it out, Mr. Chairman, and put the motion on the ground that it is an insult to this committee to offer that statement here after the Commissioner has refused to come before the committee and refused to answer any questions with reference to that transaction.

The CHAIRMAN. My mind is very clear upon that. We won't stop to criticise the action of the Commissioner in making it, but I do not think it admissible on any ground whatever. When he came here and refused to answer questions put by this committee he should not be allowed to make up such a statement as that afterwards.

Judge PAYSON. Does the Chair hold that if the Commissioner put himself upon the privilege of declining to go into what he considered was his private business and then the committee make full proof of it by declarations made at another place, that the Commissioner has not the right of his own motion to show that this note has been paid? Does the Chair hold that?

The CHAIRMAN. I think so, for this reason, the Commissioner was on the stand and absolutely refused to allow the committee to investigate the matter of the George E. Lemon indorsement through him. Subsequently, and in his presence, the testimony of himself given on the prior examination was admitted, against his objection, however, and also the testimony of George E. Lemon taken at the same investigation, and thereupon the Commissioner refuses again to answer the questions to this committee in regard to that transaction. I don't think, under the liberty of making a statement that was tendered him when he first went upon the stand, that he ought to be allowed to say anything about it now. If he has a mind to come before the committee and submit himself to such examination as the committee may desire to make, then he may supplement it by any statement he pleases that is material, so far as I am concerned.

Mr. BROSIUS. Do I understand the purport of that statement to be that because a witness avails himself of what he regards a legal privilege to refuse to answer certain questions relating to a subject-matter of inquiry, that that refusal acts as a legal disqualification of that man as a witness upon any other part of the subject-matter on which he makes no claim?

The CHAIRMAN. I mean this, that the power of examination of a witness upon the stand, if it is limited by the action of the witness himself in refusing to testify, and if that tribunal should afterwards gain any information upon that subject, that this same witness ought not to be allowed under the permission of a statement to come in and give such a version as he pleases, and thereby preclude any further inquiry. If he is to have the benefit of that statement he should submit himself fully to the tribunal having charge and should answer all proper questions upon that subject from every member of the committee and anybody else having the right to examine him. That he ought not to be allowed to preclude himself from such an examination and investigation by making such a statement. If the charge of criminality of the highest degree was made against a man, and he came upon the stand, and under his constitutional privilege refused to answer, and then, thereafter, under the privilege given him to make a statement by that tribunal, he makes a statement on that particular subject, it would be simply a fraud on the law, and it would be entirely at variance with every view of law I ever heard of. This privileged statement given to the Commissioner was given in the first instance by me, and I was sustained by the committee, as I understood it, simply because he was the head of the Bureau, under an examination and investigation as to the administration of his office, and I thought it was just, under all the circumstances, that he should have that privilege, not strictly as a matter of right, but as a matter of economy, a matter of equity, and under that privilege, as I call it, I don't think it is proper for him to come before this committee and make a statement in regard to matters about which he refused to testify when on the stand.

Mr. BROSIUS. You mean to say the permission to present this statement was a privilege?

The CHAIRMAN. Yes, sir. If the Commissioner will come here after this statement goes in, if he desires to, and still refuse to answer, I don't know that I would object, if he wants to put himself in that attitude. My position is, if he opens the door at all, he opens it for the entire investigation of this committee and in all its particulars.

Judge PAYSON. To go back to the question of the original indorsement and all?

The CHAIRMAN. Yes, sir.

Judge PAYSON. I desire, Mr. Chairman, that this record, as it shall be printed, shall state the position of the Commissioner as I understand it. He believed as I did and acted upon my advice, outside of this investigation, that the committee had no right to inquire into the matter of the indorsement of these notes by Mr. George E. Lemon for him, and he put himself upon his privilege, as the record shows. The committee availed itself of what it believed to be proper testimony, viz, testimony given by the Commissioner at a former session of Congress, and which was found in a certain printed document with reference to this indorsement. That evidence coming from the Commissioner is in the record of this case now. Nothing appeared in that regard under the testimony which the committee believed to be proper as to anything later than the indorsement of these notes, leaving the impression that these notes were still outstanding. That the committee may know what the situation is with reference to these notes since the indorsement, and not having any connection with their execution, this statement, showing that the notes had been paid, first $3,500, before any publicity was given to the fact of the indorsement and the balance fully paid by the Commissioner in April, 1891, and showing that it was purely a business transaction between himself and the bank and that it was fully paid, is incorporated in this statement, and it is now proposed to strike it out, and it is that proposition to strike out to which I object for the Commissioner.

Mr. DUNGAN. I would like to state, so my position will be understood, my objection to the statement is not to its competency. I believe that the Commissioner had the right to make this statement when he was asked in the first place, but it is because this statement as it appears may be entirely true, and George E. Lemon still on his paper for that amount, and I think this ought not to be admitted without cross-examination.

Mr. BROSIUS. That is a practical, legal position, in my judgment.

Mr. DUNGAN. There is nothing else in the record to which I desire to call the committee's attention at present.

Judge PAYSON. It is understood, then, as to the matter in regard to Flemming is to go out for the present, and then the question of this George E. Lemon matter, together with the matter in regard to Flemming, are to be brought up before a full committee and disposed of?

The CHAIRMAN. Yes; that is the situation.

Judge PAYSON. Here are all the records in connection with the Legg case, Mr. Chairman.

The CHAIRMAN. All we wanted in that case were the Okey reports.

Judge PAYSON. We want the whole case to go in then.

The CHAIRMAN. You had better leave that then until Mr. Enloe is present, as he has stepped out.

Judge PAYSON. Very well.

The following letter from the Hon. Commissioner of Pensions was here offered in evidence:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, June 2, 1892.

Hon. H. H. WHEELER,
Chairman Committee of Investigation:

SIR: Referring to our conversation of yesterday at the committee room I renew the invitation that your committee shall take the time to make a careful examination of the Bureau of Pensions.

I understood you to state, soon after the investigation began, that your committee

would make a careful examination of the affairs of the Bureau before the investigation closed. As no steps of this kind were taken by your committee while your meetings were being held in the Pension Office building, I have been led to apprehend that your pressing duties in the House of Representatives might entirely prevent the carrying out of your original intention. I beg to assure you that I am very unwilling that this should occur.

I invite your attention to the fact that the Bureau of Pensions, in respect to the number of its employés, the multitude of persons with whom it deals, and the large amount of money involved in its adjustments, is the largest office of the kind in the world. The official roll of the Pension Office is 2,009 persons. The 18 pension agencies employ 449 regular clerks, while the surgeons employed upon medical examining boards number 3,994; in addition to these we have 131 specialists, being a total official force of 6,583.

The resolution under which you are acting provides that your committee shall have power and authority to investigate and report upon the methods of business in the Bureau of Pensions.

It is my wish that you shall possess yourselves of the fullest information upon this subject. I respectfully express to you my opinion that you can not form an adequate idea of the methods of business in this Bureau by reading a few of the orders which govern the business of the office, and by listening to the statements of a few witnesses who may be interrogated in relation to particular matters connected with the office. In my opinion, before any intelligent man can form a just conception of the business of this office he must make a careful personal examination of that business. I therefore have the honor to request that at as early a day as will be practicable your committee, in a body, accompanied by an official stenographer to take notes, shall visit the office and continue from day to day until every division, with its work, shall have been carefully inspected; and in this connection I have the honor to recommend that you will make a careful study of the organization of the Bureau, the distribution of the powers of the office, and the method of procedure in handling claims for pension, and all the papers relating thereto, with a view of determining whether the present organization, the present distribution of power, and the present method of procedure can be improved. And as the character and standing of a few of the employés have been called into question before your committee, and any reflection by your committee on any portion of the personnel of the Bureau might be construed as a reflection on the Bureau itself, I respectfully request that you will look over the official register of the office and call from the files the papers relating to a number of the employés, with a view of becoming acquainted with their antecedents and determining whether they are worthy persons for employment in the public service.

And as you examine the various divisions I will be glad for you to make the acquaintance of as many of the employés as convenient, and thus, in considering their work, judge of their merits.

My opinion is that the Bureau of Pensions is now equal in every respect to any of the bureaus of the Government, and I confidently believe that your committee will fully agree to this proposition if you will give the business methods of the Bureau a careful examination.

It must be understood that the science of government not only involves the enactment of wise laws, but also their just, impartial, and uniform administration. The people of the United States, without reference to the question of politics, are deeply interested in knowing that the affairs of this Bureau are conduced upon true business principles, and that such necessary safeguards are thrown around the settlement of the claims coming before it as will afford proper protection to the public treasury, and at the same time carry out the benignant laws enacted for the benefit of the citizen soldiery—their widows and orphans—whose patriotic valor preserved the Union and free government.

I request that you will lay this letter before your committee and spread it upon your records.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Committee adjourned until to-morrow morning, Saturday, at 10.30 a. m.

WASHINGTON, D. C., *Saturday, June 4, 1892.*

The committee met at 10:30 a. m.

Present: The chairman (Hon. H. H. Wheeler), and Messrs. Brosius and Dungan, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

TESTIMONY OF M. B. BAILEY—Recalled.

M. B. Bailey, recalled, testified as follows:

By the CHAIRMAN:

Q. Do you know how many of the Okey reports there were in the Legg case?—A. I think there were eight.

Q. And did they all concur in recommending the disbarment?—A. Yes, sir.

Q. Will you please describe the practice he was recommended for disbarment on?—A. In the Legg matter, the Topeka, Kans., attorney, the basis and foundation for the recommendation for his disbarment in every one of the number of cases which were investigated as reported by the examiner was that he found the practice prevailing in Mr. Legg's office was to have his own clerks act as witnesses to the signature of applicants and affiants, and a clerk of his acting as notary public, before whom all the papers were executed. The special examiner in making his report in these cases recited this fact, and said there was no doubt that he (Legg) had imposed false testimony upon the office.

Judge PAYSON. You had better quote exactly what he said in his report.

The WITNESS. He recommended the disbarment "on the ground of having had his clerks sign as witnesses to signatures as to the identity of persons whom they did not know or had not seen sign the papers. The question of legality as to the average oath administered in Mr. Legg's office I will leave for the office to determine. My own opinion is that such an oath is of no binding force. The question of forgery is, in my opinion, not proven, but as to the filing of false writing there is no question."

Judge PAYSON. When you came to examine in regard to these cases what did you find?

A. When these reports came in they were separated and sent to the proper divisions; a majority of the cases belonged in the southern division, and I never saw them afterwards until they were called up here. When I found that the office, acting in the regular way, had allowed every one of these cases upon its merit, and while the statement of the examiner that Mr. Legg used his clerks to act as witnesses to signatures was true, yet the statement in regard to filing false evidence was not sustained, as shown by the action of the office. Mr. Legg was notified of his practice, using his clerks as witnesses, and warned to discontinue it, which he agreed to do. There the matter dropped and he was not disbarred. No further complaint reached the office in regard to the practice of his office. I will say further, I wish to add, that after the passage of the act of June 27, 1890, a great many attorneys were found having in their employ notaries and also having their clerks acting as witnesses to signatures; wherever that was called to the attention of the office they were warned and directed to discontinue it on ground of their being disbarred if they did not do so, it being a bad practice and liable to result in fraud.

Mr. BROSIUS. When that was done by these attorneys ignorantly it was not regarded as a cause for dismissal?

A. No, sir.

Judge PAYSON. And there was no standing, formal rule of the office with reference to it?

A. No, sir.

By Mr. ENLOE:

Q. How did the Pension Office reach the conclusion that Mr. Okey's statements were not true as to the statement which he makes about their certifying to the identity?—A. I have not denied that myself; I think probably they did.

Q. If they swore to that fact, was not that false testimony; if they swore to the identity of persons and they not knowing the persons?—A. Not unless it was material to the merits of the case, and it was not so considered in the office.

Q. Is not the identity of persons material?—A. It is material, but where one signs a paper as to the identity of a person, and it is received in the office, and there is no question raised as to the propriety of it, it is accepted.

Q. You mean whenever an affidavit is filed showing the identity of the person, the office inquires no further to see whether the person is acquainted with the person about whom they are swearing?—A. No, sir; they do not pursue that at all.

Q. Then in order to get a pension it is only necessary for the person who is making the application to be able to furnish one or two witnesses, which is it, as to identity?—A. If he signs by mark it requires two witnesses; if he is certified to by the person before whom he makes the affidavit, that is enough.

Q. If that certification is false, is there any protection against a false claim or false impersonation?—A. If no information comes to the office charging that that is a false paper or declaration, there is no way of arriving at the fact.

Q. Did not Mr. Okey, in the examination of these cases, take the evidence of a number of persons themselves who were applicants for pensions, in which they swore that these persons had certified to identity without seeing them and without knowing anything about them?—A. I suppose he did, and the papers themselves will show (so the examiner who reviewed it informed me) that the statements themselves which were made in there explain that matter.

Q. Didn't this question arise in that connection?—A. I think from my examination of these papers that it appeared that these persons actually did sign applications there, but there was no one present to witness the signing.

Q. And no one to attach the notary's seal and that was done subsequently; was not that a complaint about the practice?—A. Yes, sir; but that was denied by Mr. Legg and Miss Robey—the notary complained of.

Q. It was the denial of Mr. Legg and Miss Robey, and the statements of some of Mr. Legg's clerks which were accepted as satisfactory to the answer of the charges of these various witnesses examined by Mr. Okey?—A. They were, that is the action of the office.

By Judge PAYSON:

Q. The result of the whole matter is, after examination of the entire record and the consideration of the reports made by Mr. Okey in these

cases, the office did not deem it a sufficient showing to warrant the disbarment of Mr. Legg?—A. No. sir; It did not. And that was upon the ground that no fraud had been perpetrated either upon the claimant or the office.

Q. And the warning to him to discontinue the practice which was deemed improper was regarded as sufficient?—A. Yes, sir.

By Mr. ENLOE:

Q. In the examination of these clerks of Mr. Legg's do you remember Miss Robey stating to the examiner, according to his report, that she did not remember of seeing the particular persons, but she knew she never attached her jurat except where she had seen the persons?—A. Yes, sir; that is my recollection of it.

Q. Do you not know that some of the other witnesses swore that there were frequently a large number of persons in the office and in the confusion they could not tell as to whether or not the particular person was identified or not?—A. Yes, sir; I think there was some of that kind of testimony in there.

Q. Well, then, was not the ground of the action of the office in Mr. Legg's case in regard to these particular reports, not that Mr. Okey's reports are untrue, but this was an improper practice, and a correction of that improper practice by Mr. Legg would be accepted as satisfactory by the office?—A. Yes, sir.

Q. The subsequent allowance of these claims in which Mr. Okey made report had nothing whatever to do with the irregularities in Mr. Legg's office; in other words it did not appear that it affected in any way the bona fide of these claims?—A. That is correct. If the adjudicating division had found in the adjudicating of cases that this testimony was false, or the office had been imposed upon, that would have led to further investigation and prosecution if necessary, and Mr. Legg's disbarment.

Q. Do you think that it is the proper thing for the office to accept the written statement of a claimant who is an applicant for a pension as to the regularity of papers, when he has sworn under oath they were not properly executed?—A. I do not believe——

Mr. BROSIUS (interrupting). I am not particular about this, but I would like to say, as a member of the committee, that I would not insist upon a subordinate officer of the Department expressing his opinion upon the validity of certain actions of the office, unless there is some special reason for it. I think my friend will see in a moment why it would hardly be right. I have the utmost confidence in the judgment of the witness, however.

Mr. ENLOE. The only reason for asking the question was that Mr. Bailey has been furnishing a good deal of testimony to the committee in the nature of legal opinions.

Q. Do you know how many witnesses Mr. Okey examined on this point in these cases?—A. No, sir; I have not——

Q. Could you tell by referring to the face of the report?—A. No, sir; I have not looked over those reports since they have prepared the copies.

Q. Look at that and see how many were examined there? (Hands report to witness.)—A. Five in that, I think.

The CHAIRMAN. The same report in all five of the cases?

A. These are five witnesses examined in that one case.

Mr. ENLOE. How many? (Handing paper to witness.)

A. There are thirteen in this one.

Q. Just look at the others and see how many there are? (Report handed to witness.)—A. There are four there.

Q. (Report handed to witness.)—A. There are four here.

Q. (Report handed to witness.)—A. There are four here.

Q. (Report handed to witnsss.)—A. There are are four in this one.

Q. (Report handed to witness.)—A. Five in this one.

Q. (Report handed to witness.)—A. Four in this one. You will find that the same witnesses nearly, leaving out the claimant and two or three others that came with them, are examined in each case. Necessarily the employés of Mr. Legg's office.

Q. You say that the witnesses were pretty much the same in all of these cases?—A. I say you will find Miss Robey and several employés of Mr. Legg's are examined in every case. Their depositions have been taken in nearly every case.

Q. How many of those employés have been examined by him?—A. I could not tell you.

Q. Take any one of these reports and see how many of Mr. Legg's employés were examined in the case?

(Case handed to witness.)

The WITNESS. The case I have picked up here is a type of all these cases. It is the case of W. Burt, certificate No. 606112.

Judge PAYSON. Mr. Chairman, why not put that report in on the statement of Mr. Bailey that it is a type of the rest, and if upon examination it is found not to be, then we can correct it.

Mr. ENLOE. If we are going to put in one case as a typical case, let us put in this one. This is the first report and a proper representation of all the others, I think. If you are going to put in one case as a typical case, put in this one, as the others follow on the same line. I am willing to have that go in and we do not care for anything more than the deposition bearing on the point.

The WITNESS. The Van de Mark Smith case is the worst one of of these cases and it is the first one which you wish to put in.

Judge PAYSON. Let me make a suggestion. Let Mr. Bailey and Mr. Wilcox select the papers in two cases that are material and have them go in.

The CHAIRMAN. Very, well; we will leave it that way, then.

Mr. ENLOE. Mr. Bailey, I want to ask you one other question with reference to the report of special examiner, Mr. Cox, that was called for in this connection.

A. Well, now, Mr. Wilcox came to the office and told me that they wished a copy of that report, and I sent for the typewriter who was doing the work, and she said she made a copy and it had come up here with the rest and after that Mr. Randolph, who has charge of the work there, of all my typewriting, asked what he should do with that report, and I think I asked Mr. Wilcox about that and he said it was all right.

Mr. WILCOX. I have looked for it and it has not been found, and I am sure Mr. Bailey is mistaken about this copy ever being sent to the committee room.

Mr. BAILEY. We can copy it again. It has been copied once, but we can copy it again and bring it up here.

The CHAIRMAN. Do you wish it, Mr. Enloe?

Mr. ENLOE. It seems to me necessary to complete this Legg case.

Mr. BAILEY. It is the same as these cases except that his examination related to the criminal features of the case; it does not relate to the merits of any case, it is the criminal feature of Legg's practice at Topeka. I had that up here and left a copy of it once.

Mr. ENLOE. You brought it up here once before?

A. Yes, sir.

Mr. ENLOE. Well, I wish you would make another copy and bring it up.

A. All right, I will do so.

The following copies of special examiners' reports investigating charges against A. M. Legg were here offered in evidence:

HUTCHINSON, KANSAS, *April 23, 1888.*

Hon. JOHN C. BLACK,
Commissioner of Pensions, Washington, D. C.:

SIR: Referring to the letter of George W. Bousman to the Pension Office, of date March 23, 1888, and the office letter of March 29, 1888, referring the same to me to make investigation in regard to charges made against ex-Special Examiner A. M. Legg, I have the honor to submit my report thereon.

I herewith submit deposition and copy of advertisement as to publications in the Stafford Republican by George W. Akers; also deposition of Abram G. Bradt, publisher of the Sun at St. John, Kansas, together with copy of advertisement in that paper; and the depositions of Geo. W. Bousman, George Breckinridge, Wm. A. Clovis, and George N. Baxter, in relation to the conduct of said A. M. Legg.

In my opinion the methods employed by Mr. Legg to induce pensioners and applicants to to go to him for advice and services, and his collecting of fees in advance from them is questionable conduct on the part of Mr. Legg, to say the least of it.

Enough has been elicited in relation to the conduct of Mr. Legg to show that he met between twenty-five and forty of such persons as Clovis, Breckinridge, and Baxter at St. John, Kansas, in answer to his "ads," and that he collected from each a small fee of from two dollars to five dollars, under pretext of postage and expense of obtaining testimony, portions of which were applied to Mr. Legg's board bill, etc. The weight of the evidence obtained is to the effect that these persons ascertained from Mr. Legg that he was not at that time, Nov. and Dec., 1887, a special examiner of the Pension Office, though his "ads" would lead to the conclusion that he intended to hold himself out as such; and to speak of the "ads" mildly would be to say it was a clever scheme to obtain business and money. The same kind of proceeding, it is safe to assume, has taken place in other counties of western and southwestern Kansas by Mr. Legg, from what information I have been able to obtain from Mr. Legg.

The postmaster at St. John, Kan., has been forwarding Mr. Legg's mail to Greensburgh, to Great Bend, and latterly to Topeka, Kan., as per orders from Mr. Legg; and I have been informed that Mr. Legg has been arranging to establish a large claim agency, with headquarters at Topeka, Kansas.

Mr. George W. Bousman is a pensioner, and is an honest, reliable man, who once resided at St. John, Kan., and was clerk of the district court for Stafford Co. He detests, and is impatient when he believes a fraud is being practiced upon any person, and especially a soldier. The other deponents are also truthful men.

Mr. Bousman went with me to St. John, Kansas, to-day, and assisted in the finding of witnesses in this matter.

Charles A. Conley, St. John, Kansas; Charles S. Ives, St. John, Kansas; Ezra Webber, Livingston, Stafford Co., Kan.; C. B. Cline, Leesburgh, Stafford Co., Kan., are given as persons who have contributed to the exchequer of Mr. Legg, and placed their pension business in their hands, and I have been told that there are others, but they are keeping quiet about the transaction in order not to be joked and quizzed about it.

The "ads" and the depositions herein mentioned are herewith submitted for the consideration of the Pension Office, with such action as is deemed advisable.

Very respectfully,

W. L. COX, *Special Examiner.*

DEPOSITION A. *Case of George W. Bousman. Cert. No. 58670.*

On this 23d day of April, 1888, at Stafford, county of Stafford, State of Kansas, before me, W. L. Cox, special examiner of the Pension Office, personally George W. Bousman, who being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: My name is George W. Bousman, age 42 years; occupation, real estate and loans; residence and P. O. address, Stafford, Stafford Co., Kansas. I am a pensioner, as per certificate above named, for loss of right leg. I am not acquainted with the man calling himself Col. A. M. Legg. I made complaint to the

Pension Office March 23, 1887, in relation to said A. M. Legg, upon the statements made to me by numerous pensioners and applicants for pensions, who stated to me that said A. M. Legg was holding himself out as a special examiner, sent out by the Government to specially examine pensioners and applicants for pensions, and that said A. M. Legg was and had been collecting from such persons who appeared before him sums of money ranging from three to five dollars each for services as attorney or agent for his becoming interested in the advancement of their claims. After said A. M. Legg had been at St. John, Kansas, in accordance with his printed advertisement, and collected said sums of money from various persons as above described, and said persons had been unable to hear from said A. M. Legg, said persons complained to me about the conduct of said A. M. Legg, and wanted me to hunt up said Legg for them, and after I made inquiry in relation to said Legg and had located him, I wrote to the Pension Office in regard to the matter, believing the said Legg to be engaged in fraudulent practices or business, and that is all I know about the matter, and I have no interest in the matter aside from a desire to see the fair thing done by soldiers who are pensioners or who are applicants for pensions, and knowing from hearsay and believing it to be a fact that special examiners, being employed by the Government, are not allowed to charge fees for their services.

I have fully understood the foregoing statement, which is correctly recorded.

GEORGE W. BOUSMAN,
Deponent.

Sworn to and subscribed before me this 23rd day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

DEPOSITION B. Case of ———, No. ——.

On this 23rd day of April, 1888, at Stafford, county of Stafford, State of Kansas, before me, W. L. Cox, special examiner of the Pension Office, personally appeared George W. Akers, who, being by me first duly sworn to answer all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: My name is George W. Akers; age, 49 years; occupation, physician and surgeon; residence and P. O. address, Stafford, Stafford Co., Kansas. I am the editor and one of the publishers of the Stafford Co. Kansas Republican, which is published here at Stafford, Kansas. I received copy of the annexed advertisement from Col. A. M. Legg, which was mailed to me at St. John, Kansas. The advertisement was already prepared and sent, with request to publish and send to Col. A. M. Legg amount of bill to St. John, Kansas, and the same was published in said paper of date of November 24, 1887, and we sent a copy of paper containing the advertisement with amount of the bill, which was two dollars and fifty cents for the publication of said notice, and the same was paid by said Col. A. M. Legg, as an advertisement and not editorial, the money being sent by mail. I did not see said Col. A. M. Legg. The impression I got from the advertisement was that Col. A. M. Legg was a special agent of the Pension Office, but on reflection I did not think that such agents did their business in that way.

I am not related and not interested in this matter.

My statement in relation to the matter therein mentioned has been correctly recorded.

"Col. A. M. Legg, who has been traveling in Kansas for the past two years as the representative of the U. S. Pension Bureau, specially examining pension claims, will be in the city of St. John, Kansas, until December 3, and during that time he would be glad to see every soldier in this vicinity. His experience with, and thorough knowledge of, all pension matters enables him to give valuable information in regard to all pension rights, which does freely to all who call on him. He says there are but few pensioners that are not entitled to more pension, and that their not getting more is principally due to the faulty making out of the original papers, which can still be corrected. We advise all pensioners and all having title to pension, to see him at once. The colonel will make his headquarters at the City Hotel, St. John, Kansas, from November 21st till December 3rd. It is an undoubted fact that error and negligence on the part of attorneys have cost the soldiers of this country hundreds of thousands of dollars."

GEO. W. AKERS,
Deponent.

Sworn to and subscribed before me this 23rd day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

DEPOSITION C. *Case of* ——, *No.* ——.

On this 23rd day of April, 1888, at St. John, county of Stafford, State of Kansas, before me, W. L. Cox, a special examiner of the Pension Office, personally appeared Abram G. Bradt, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: My name is Abram G. Bradt; age, 48 years; occupation, editor and publisher of the Sun, published in St. John, Stafford Co., Kansas; residence and post-office address, St. John, Stafford County, Kansas. I have seen Col. A. M. Legg, but am not personally acquainted with him. I was publisher of said paper November 18, 1887, at the time of the publication of the annexed notice, which was published in said paper of said date. The advertisement was sent to me in a letter to be published for him, the said A. M. Legg. I published the said notice as an "ad" and charged him the regular rate for "ads," which I believe was $2.80 for the publication thereof, and it went in as a "pay local," and not as an editorial. The annexed is a true copy of said advertisement published in said paper for said A. M. Legg on said date.

I am not related and am not interested in the matters alleged in this deposition.

My statement in relation to the matters herein set forth have been correctly recorded.

"Col. A. M. Legg, who has been traveling in Kansas for the past two years as the representative of the U. S. Pension Bureau, specially examining pension claims, will be in the city from November 21st till Dec. 3d, and during that time he would be glad to see every soldier in this vicinity. His experience with and thorough knowledge of all pension matters enables him to give valuable information in regard to all persons' rights, which he does freely to all who call on him. He says there are but few pensioners that are not entitled to more pension, and that their not getting more is principally due to the faulty making out the original papers, which can still be corrected. We advise all pensioners and all having title to pension to see him at once. The col. will make his headquarters at the city hall, where he can be seen at any time up till Dec. 3rd. It is an undoubted fact that error and negligence on the part of attorneys have cost the soldiers of this country hundreds of thousands of dollars."

I supposed said A. M. Legg was an employé of the Government.

A. G. BRADT,
Editor and Pub. of the Sun, Stafford, Kans.

Sworn to and subscribed before me this 23rd day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

DEPOSITION D. *Case of George Breckenridge, Ctf. No. 228405.*

On this 23d day of April, 1888, at St. John, county of Stafford, State of Kansas, before me, W. L. Cox, a special examiner of the Pension Office, personally appeared George Breckenridge, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: My name is George Breckenridge. Age, 45 years. Occupation, formerly a carpenter. Residence and post-office address, St. John, Stafford County, Kansas. I was a private of Company D, Seventh Regiment, Iowa Cavalry, and am a pensioner as per above-named certificate, for injury of right knee. I first became acquainted with A. M. Legg along about 1st of December, 1887, here at the City Hotel, in St. John, Kans. I have seen said A. M. Legg's advertisement in the papers published here in St. John, Kans., as to when he would be here, and I called on the landlord of the City Hotel, Mr. Bosworth, and he (Bosworth) requested me to go in and see said Col. A. M. Legg, who was then at said City Hotel. In conversation with said Legg, he said that he was hunting up all soldiers who were rated too low and all others who were not drawing pensions. As near as I can tell it, said Legg claimed that he had an office in Topeka, Kans.; that he had been employed in the Pension Office, and was now looking after soldiers' interests. From the advertisements I had seen in the papers I had got the impression that said Legg was employed and sent out by the Government; but in conversation with him he told me he was a claim agent, and that he was going to every county seat in the west part of the State. Said Legg took my claim for a rerating on injury to knee, and also made a new claim for me on account of partial deafness.

Before anything was done at my claims I asked him how much the charge would be and he said, "We" or "I" charge two dollars for postage and stationery," and that I would have to pay the usual fee; and that if he got nothing for me I would not have to pay anything except the two dollars in advance. I did not make any

power of attorney. There were four affidavits made, one by my doctor and the others from persons who had known me. I knew before I got through with said A. M. Legg that he was a claim agent and not a special examiner of the Pension Office.

I did not pay the money to said A. M. Legg, but paid, through his order, to Mr. Bosworth, and when I went to pay it the amount was $3. Mr. Legg had done the work and I did not pay him at the time, and when he was ready to go away he (said Legg) told me to pay to Mr. Bosworth three dollars, and I afterwards paid it on Mr. Legg's board bill, at said City Hotel, St. John, Kansas, as per receipt herewith filed. I have not seen or heard from said Legg directly since. I am not related to said A. M. Legg. I have no interest in this matter except what money I have in it. I paid him to attend to the business and he has not done it. Mr. Bosworth is now at Rocky Ford, Colo. I have fully understood the foregoing statement, which has been correctly written.

GEORGE BRECKENRIDGE,
Deponent.

Sworn to and subscribed before me this 23d day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

DEPOSITION E. *Case of William A. Clovis, Cert. No. 260807.*

On this 23d day of April, 1888, at St. John, county of Stafford, State of Kansas, before me, W. E. Cox, a special examiner of the Pension Office, personally appeared William A. Clovis, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: My name is William A. Clovis; age, 48 years; occupation formerly a farmer, now a painter; residence and p. o., St. John, Stafford County, Kansas. I am a pensioner under certificate as above numbered, on account of "chronic diarrhea" contracted in service as pri., Co. L, 9th Regt. Ill. Cav. I became acquainted with A. M. Legg near the first of Dec., 1887, here at St. John, Kansas. He had advertised and was putting up at the city hotel here in St. John. From the advertisement I was led to believe he was a special examiner of the Pension Office. I was sitting on the porch of the hotel one evening, and Mr. Bosworth, the hotel keeper of city hotel, came to me and asked me if I had seen the pension agent, Col. Legg, and on informing him that I had not Bosworth took me in and introduced me to Col. A. M. Legg as pension agent. On entering into conversation with Col. A. M. Legg I told him that I was drawing $2 a month for chronic diarrhea. He then asked if I did not think I was entitled to a rerating, and I told him that under the Commissioner's—Gen. Black's—ruling I was entitled to more, but I never had applied. Legg said that he would hunt up the proof for me and get it and the balance of my claim, that remains unprosecuted, though provided I would pay him, Legg, three dollars.

He told me that he had been employed in the Pension Office for several years, and that he was starting out as a claim agent and that he understood his business thoroughly. I gave to said Legg, or rather I paid it on his order, the three dollars. He had gone away on Thursday and was to have been back on the next Saturday, and did not come back, and he left an order for me to pay the three dollars to Mr. Bosworth, which I did and took a receipt, which I have mislaid. I asked said Legg if he had authority to prosecute claims and he said he had such authority. I made application, and made said Legg my agent to prosecute my claim. Said Legg said the three dollars was to pay expense of getting my proof and that he would get me the proof and save me that expense, and I gave him the names of the witnesses.

Q. Then, before you and Mr. Legg had finished your business with each other Mr. Legg informed you that he was a claim agent and not a special examiner of the Pension Office, did he?—A. Yes, sir.

I have thoroughly understood the questions asked me, and the answers I have made to them have been correctly recorded.

WILLIAM A. CLOVIS,
Deponent.

Sworn to and subscribed before me this 23d day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

DEPOSITION F. *Case of George N. Baxter, Claim No. ——.*

On this 23rd day of April, 1888, at St. John, county of Stafford, State of Kansas, before me, W. L. Cox, a special examiner of the Pension Office, personally appeared George N. Baxter, who being by me first duly sworn to answer truly all interroga-

tories propounded to him during this special examination of aforesaid pension claim, deposes and says:

My name is George N. Baxter, age 74 years, occupation none. Not able to work. Formerly was a blacksmith. Residence and post-office address, St. John, Stafford County, Kansas.

I am applicant for pension, as dependent father of Charles N. Baxter, who was a member of Co. C, 9th N. Y. Cav., who was wounded and died in service after amputation of leg.

I first made application through Mr. Smith, of Larned, Kansas, and last Nov. or Dec. I made application through Mr. A. M. Legg, who was here at the city hotel at St. John, Kansas, and said A. M. Legg demanded of me three dollars as a fee, and I paid the same to him, supposing at the time that Smith had given up the claim. Mr. Legg claimed to me that he belonged in the Pension Office and that he could get claim through, and that was the inducement that I had to employ him. Said A. M. Legg told me that he was employed by the Pension Office to examine pensioners and see if they were drawing pensions illegally, and if the pensions were legal to see whether they were drawing the proper amount of pension, and also to take applications for pensions, but the last part of it I knew the Pension Office did not employ him to do, but I supposed he had taken up that of taking applications to make himself a little more money.

Mr. Legg was to have been back here and did not come, and I could hear nothing from him, and after waiting a good while to hear from him Mr. Geo. W. Bonsman told me he thought Legg was a fraud, and I then sent in an application through Mr. Geo. E. Lemon, of Washington, D. C.

Mr. A. M. Legg said to me that he was entitled to a fee of three dollars, and I paid it. In a conversation afterward Mr. Legg said the three dollars was to pay expense of getting proof from the witnesses; that he did not want that I should bother myself about getting the proof.

I never had any other understanding than Mr. Legg was sent by the Government to do such work, and I supposed from his advertisement and from his conversation that the said A. M. Legg was a special examiner of the Pension Office. I don't think I am mistaken as to the conversation of Mr. Legg, as I paid particular attention to it.

I have fully understood the questions asked me, and my answers to them have been correctly recorded.

GEORGE N. BAXTER,
Deponent.

Sworn to and subscribed before me this 23d day of April, 1888, and I certify that the contents were fully made known to deponent before signing.

W. L. COX, *Special Examiner.*

[Cert. No. 125201. Van De Mark Smith, Co. D, 22 Regt., N. Y. Vol. P. O., Topeka, Shawnee Co., Kans.]

TOPEKA, KANSAS, *January 27, 1890.*

The COMMISSIONER OF PENSIONS,
Washington, D. C.

SIR: I have the honor to return with report all the papers in the above cited claim, which were referred to me for special examination by office letter of December 24, 1890, with letter of the law division of December 20, 1890, and affidavit of the Clt. in which he says: "If A. M. Legg has filed an application for me since the allowance of my claim in May, it has been through fraud and misrepresentation, and I was never sworn to it and have no knowledge, etc." See Exhibits A, B, and C. At the same time I am directed to make a thorough investigation of the methods employed by the said A. M. Legg in securing the increase application in the case of Van De Mark Smith, as well as his course in other cases, and make a thorough examination of the workings of his office, with all of which I have as fully complied as it is possible without giving Mr. Legg an opportunity to be heard in person, which I have not felt authorized to do without special instruction from the office, and about which I wrote the office some days since, but up to date have received no reply.

The claimant, Van De Mark Smith, Depo. D, is of fair reputation so far as I have been able to learn, broken down in health, but above the average in point of intelligence, but did not create a very favorable impression as to his sincerity. He has small, restless black eyes, and avoids looking at you when answering a question. In his deposition he adheres to the statement made in his affidavit, Exhibit C, that he has not knowingly made an application for increase through A. M. Legg since the

allowance of his increase claim in May, but admits that he signed a paper which he supposed was a letter, about June 10, 1890, but was not sworn to the same. Says he had seen a name published in the "Capitol" which he thought might be intended for his, and at once called at Legg's office to see about it. That notice, according to his statement, was about June 10, 1890. I find by reference that on June 14, 1890, such a notice as he speaks of was printed in the "Capitol." (See printed list in Con.) I also find by inquiry at the office of the U. S. pension agent in this city that the official notice and vouchers were mailed to the clt. on June 17, 1890. The application filed by A. M. Legg is dated June 19, 1890, so that the natural inference to be drawn is that on receipt of his vouchers he at once went to the office of his attorney, was not satisfied with the rating given him by the office (as is shown by his subsequent action), and then and there made out a new application for increase. His statement that he signed the paper in Legg's office without knowing what it was does not accord well with his statement that he would not sign the papers sent him by Milo B. Stevens and James Tanner because they were not made out to suit him.

Miss S. U. Roby, the notary public who executed the application in question, is of good reputation, says she has no recollection of executing the papers in this particular case, but that she never in any instance put her jurat or seal on papers that she had not seen signed and sworn to. She recognizes her signature and seal on the paper in question, but don't know whether he was sworn by herself or by Mr. Legg; has always considered that if a person was sworn in her presence it was just as binding as if she had actually administered the oath herself, as all her jurats say "Sworn and subscribed to before me." Says she can't tell whether the witnesses were actually present when that paper was signed or not, as they were often called in to witness and at other times the papers were taken to their desks.

Miss M. F. Hebbard, Depo. F, and Miss A. E. Parish, Depo G, both clerks in Mr. Legg's office, and are of good reputation, recognize their signatures on the paper in question, and each say they are not acquainted with the pensioner, and say that they can't say whether they saw him sign the paper in question or not, as they were at times called into Mr. Legg's room to sign as witnesses and at other times the papers were brought to their desks to be signed. Miss Parrish is positive that she was not sworn—was never sworn to any papers she signed. Miss Hebbard is not positive whether she was sworn or not. From the evidence in this particular case, and from the general mode of transacting the business of Mr. Legg's office, as disclosed by the evidence taken during this investigation, I am inclined to believe that there was no deception practiced on Mr. Smith in obtaining his signature to the increase application dated June 19, 1890. It would be perfectly natural for the pensioner, on receipt of his increase with which he was dissatisfied, to authorize his attorney, who had been working for him for several months, to at once fill out another application, just as appears to have been done in this case, but there is no positive proof, other than the general statement of the notary, that she never affixed her seal to papers unless she had seen them signed and sworn to, and when she makes the admission that she does not know whether the identifying witnesses were present or not, nor whether they were sworn, when her jurat would indicate such to have been the case, I am inclined to believe that she might, in like manner, have waived the formality of the presence of the person signing the body of the paper, so that as the case will have to rest, the pensioner swears that he was not sworn, and the notary in like manner says that he was. I am satisfied that a conviction could not be had under sect. 5421, R. S., as to whether the paper was sworn to or not, and should, therefore, not recommend any formal action in this case.

As to the manner of transacting business in Mr. Legg's office, there is no question that many papers have been signed by his clerks, both as witnesses to signatures and as to the identity of the person purporting to have signed the same, when, as a matter of fact, they never saw the parties whom they attempt to identify, and never saw the papers signed where they sign as witnessing signatures. The question as to forgery in any instance is not clearly shown, yet I strongly incline to the belief in the case of Frederick Mitchell, No. 587302, and that of Thomas White, No. 727426, such measures have been resorted to, but the proof is not sufficiently clear or conclusive in either case to warrant criminal prosecution on that point, for we are not able to overcome the oath of the notary that in each instance where she affixed her jurat she had actually seen the papers signed.

The question as to the validity of an oath, when administered by a person not authorized by law to administer an oath, but where done in the presence of a regular notary public, who affixes their seal and signs the jurat, is a new question to me and one whereon I have not been able to find any decisions in the U. S. courts for my guidance, but I incline to the opinion that when the jurat says "Sworn and subscribed before me," the meaning and intent of that jurat is to convey the idea that the paper in question was signed in their presence and that the oath was administered to the party so signing, by the person or officer signing the jurat, and I know

of no law or decision that would authorize them to delegate their authority to another, and shall, therefore, hold that in all instances where the oath has been administered by Mr. Legg, although done in the presence of, and at the request of the notary, was illegal and void, and that a person could not be found guilty of perjury under any circumstances where the oath was so administered, and that all such papers so executed become false and fraudulent, and the filing of such papers are punishable under Sec. 5421, R. S. I have made no attempt to investigate the question involved in the "Searle patent case" referred to by the U. S. Attorney in his letter of December 13, 1890, except to take the deposition of Miss Rastall and the other persons who were in Mr. Legg's office at the date of the making of those papers (the Searle patent case), and wish briefly to call attention to one point in Miss Rastall's deposition, "I", wherein she says she "first signed an affidavit relating to the Searle patent case, she thinks, on the 3d day of January, 1991, and that is the only affidavit or paper of any kind I have ever signed relative to this case."

By reference to the date of the U. S. Attorney's letter, I find it written and this affidavit of Miss Rastall's quoted from twenty days before the affidavit was in fact signed, and yet the U. S. Attorney says there is in the Searl's patent case such an affidavit. There is now such an affidavit in that case, a copy of which I have secured and which will be found in the loose papers in this case. There is no question that Mr. Legg has been guilty of great irregularity in the preparation of papers in his office, such as, in my opinion, to invalidate many of the papers prepared by him, but on the whole, the formality of the law has been about as closely observed as is done in the preparation of pension papers in the average case. In my opinion the whole system of execution of papers to be used in claims against the U. S. should be revised, and only certain persons authorized to execute such papers and those persons should be appointed by the Govt. Why, in this State many of the notaries public are young girls who have had little or no experience in business, and secure their appointments as such, at the request of their employers. Almost every claim agent or attorney who is able to employ a clerk, gets such a clerk an appointment as notary, and then their seal and jurat is affixed to just such papers as their employer directs them to execute. (See the deposition of Miss N. M. Stewart in this case, Depo. H.) Patrick H. Coney, atty., of this city, has his wife for a notary, and she executes most of the papers that are sent to the Pension Office by Mr. Coney. R. A. Davidson has his clerk appointed a notary (Jos. Coddington), and he executes the papers for that office. Mr. Legg keeps in his office two notaries, and so it is all over the State, so that I assert without fear of successful contradiction, that the average notary's seal is no security in the preparation of papers. They might as well be certified to by the attorney himself.

I shall therefore recommend that Mr. Legg and his notary, Miss S. U. Roby, both be disbarred from further practice before the Pension Office, on the ground of having had his clerks sign as witnesses to signatures and as to the identity of person whom they did not know or had not seen sign the paper. The question as to the legality of the average oath administered in Mr. Legg's office I leave for the office to determine. My own opinion is that such an oath is of no binding force. The question of forgery is, in my opinion, not proven, but as to the filing of false writings there is no question.

All of which is respectfully submitted.

Respectfully,

C. W. OKEY, *Special Examiner.*

EXHIBIT A.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., December 24, 1890.

Mr. C. W. OKEY,
Special Examiner, Topeka, Kans.:

SIR: Find herewith forwarded to you the papers in the case, ctf. No. 125201, of Van De Mark Smith, Co. D., 22nd N. Y. Vols., together with a letter dated December 20, 1890, from the law division of this Bureau, with the provisions of which you are directed to comply at the earliest practicable date.

Make this and the letter referred to exhibits of your report.

Very respectfully,

GREEN B. RAUM,
Commissioner.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., December 20, 1890.

The ACTING CHIEF OF S. E. DIVISION:

SIR: I hand you herewith the papers in pension case, ctf. 125201, of Van De Mark Smith, Co. D, 22 N. Y. Vols., together with an affidavit from claimant, in which he states that "if A. M. Legg has filed an application for me since the allowance of my claim, in May, it has been through fraud and misrepresentation, and I have never been sworn to it and had no knowledge," etc.

There is on file among these papers an application for increase dated June 19, 1890, and purporting to have been executed before S. U. Roby, notary public, and in which A. M. Legg is named as attorney. From this fact and the statement of the claimant, above referred to, it would appear that there is something improper or irregular in Mr. Legg's methods of securing applications for pension.

This matter was brought to the attention of this Bureau by Hon. J. W. Ady, U. S. attorney, Topeka, Kans., together with seven other cases, in which charges of a somewhat similar nature are preferred. In his letter of December 13, 1890, which is on file in this division, Mr. Ady says, among other things: "Mr. Legg has quite a large practice in your Department as a pension attorney. * * * In the Searle case (relating to a patent) there is an affidavit made by Fannie Rastall, who at that time was employed by Legg as a typewriter—a statement to the effect that the clerks in the office frequently signed their names as witnessing signatures, when, as a matter of fact, they never saw the parties sign the instrument; that Legg would come to them and say that it was all right, and they would affix their signatures. Mr. Legg did this in the Searle case, and, according to Miss Rastall's affidavit, asked her to imitate his signature, stating that he wanted to keep it as a part of the files of his office; and certainly if any attorney would be guilty of such practice in one branch of the Government service, he would not stop in like matters where the Pension Office was concerned."

Mr. Ady also says: "I am informed that Mr. Legg requested Miss Stewart, who formerly worked in his office, and was discharged because she would not comply with his requirements, to attach her jurat as having administered the oath to parties whom she never saw sign the papers."

In the several cases cited by Mr. Ady the questionable papers, as a rule, purport to have been executed before S. U. Roby, notary public, but two of them before N. M. Stewart, notary public. The names A. E. Parrish, D. E. Prouty, and J. J. Miller appear more than once as attesting witnesses. Possibly they are, or have been, clerks in Mr. Legg's office.

It is desired that a special examiner be instructed to investigate thoroughly the methods employed by A. M. Legg in securing the increase application in this case of Van De Mark Smith, as well as his course in the other cases which will be submitted for similar inquiry. He should see, first, the claimant, Van De Mark Smith, and thoroughly question him as to the genuineness of the paper referred to, not only as to his signature, but as to whether he knew the contents of the paper; whether he was duly sworn to the statement; whether A. E. Parrish and M. F. Hebbard were present as identifying witnesses, and whether S. U. Roby was present and acting properly in the capacity of notary public.

The examiner should also take the sworn statement of A. E. Parrish, M. F. Hebbard, and S. U. Roby as to all the facts within their knowledge relative to the circumstances under which this paper was prepared. A similar course should be followed in each of the cases in which reflections are cast on Mr. Legg's methods; and special care should be taken to determine, if possible, whether in any case absolute forgery has been resorted to, or whether Mr. Legg has knowingly and wilfully procured the making and presentation to the Pension Bureau of false and fraudulent affidavits, or other writings, such as to render him liable to prosecution under sec. 4746 or sec. 5421, R. S., U. S.

The special examiner should also secure the testimony of Miss (N. M.) Stewart, notary public, relative to her knowledge of any improper or illegal methods employed by A. M. Legg in the procuring of affidavits, and especially as to whether Legg required her to attach a false jurat to papers, as charged by Mr. Ady, and whether she, in any case, complied with such demand on Legg's part, and, if so, in what particular instances.

The testimony of Fannie Rastall, referred to by the U. S. attorney, should also be secured, relative to improper practice in Mr. Legg's office, and the false attesting of signatures by his clerks, as hereinbefore set forth.

The examiner should not, of course, confine his investigation to the instances or the witnesses mentioned, but should follow up any tangible clew that may present itself, and thoroughly investigate the questions raised, to the end that the Bureau

may be fully advised, not only as to probable impropriety of Mr. Legg's conduct, but also as to his status with reference to a possible criminal prosecution.

The other cases before referred to, in which charges have been made, are as follows:

No. 606112, Wm. W. Burt, Co. H, 80 Ohio Vols.
Ctf. 509379, Geo. W. Mayhall, Co. F, 72 Ind. Vols.
No. 587302, Fredck. Mitchell, Co. I, 14 U. S. C. T.
No. 727426, Thomas White, Co. K, 101 U. S. C. T.
No. 698427, Jackson Warren, Co. D, 83 U. S. C. T.
No. 694565, Altimo Meriweather, Co. F, 16 U. S. C. T.
No. 767309, Moses Taylor, Co. K, 101 U. S. C. T.

In all of these cases a report is desired as soon as practicable, and this letter may appear as an exhibit in the report in the case of Van De Mark Smith. In view of the fact that the U. S. attorney suggests that Mr. C. B. Anderson be detailed for the investigation, it would seem proper that these cases should be sent to Mr. Anderson if practicable.

Very respectfully,

M. B. BAILEY,
Chief Law Division.

EXHIBIT C.—*General affidavit.*

STATE OF KANSAS, *County of Shawnee, ss:*

In the matter of claim for increase of pension, ctf. No. 125201, of Van De Mark Smith, Co. D, 22 N. Y. Cav.

Personally came before me, an officer duly authorized to administer oaths, in and for aforesaid county and State, this 25th day of October, 1890, Van De Mark Smith, a person of lawful age, who, being duly sworn, declares in relation to the aforesaid case as follows: In the month of November, 1889, I went into the office of A. M. Legg, of this city, to consult him about a pending claim for increase of pension of mine. He took my power of attorney, and about the month of May, 1890, I saw the name of Smith advertised as among the allowed claims, which I took to be my name, but not correctly spelled. I called on A. M. Legg and asked him if it was my claim, and he said he would write and see. After he had written out what he wanted he asked me to sign it, and I did so without reading it. Since that time I consulted with and corresponded with several pension attorneys, but decided on the 12th day of August, 1890, to employ R. A. Davisson, of this city. On this day I was very much surprised to receive an order for examination with the name of A. M. Legg indorsed thereon as my attorney. If the said A. M. Legg has filed an application for me since the allowance of my claim in May it has been through fraud and misrepresentation, and I have never been sworn to it, and had no knowledge, and I have never been in his office since he represented to me that he had written above-mentioned letter of inquiry.

VAN DE MARK SMITH.

Sworn and subscribed to before me this day by the above-named affiant, and I certify that I read said affidavits to said affiant, including the words erased and the words added, and acquainted him with the contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

J. D. CODDINGTON, *Notary Public.*

My com. ex. Oct. 14, 1893.

(Indorsed:) No. 125201. Lay evidence. Affidavit of Van De Mark Smith. Claim of Van De Mark Smith. Co. D, 22 N. Y. Cav. Filed by R. A. Davisson, Topeka, Kan. Washington, D. C.

DEPOSITION D. *Case of Van De Mark Smith, No. ——.*

On this 7th day of January, 1890, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Van De Mark Smith, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: He is 48 years of age; by occupation, nothing; not able to work; we live on my pension and what my wife makes by washing; residence, No. 428 Lawrence st., Topeka, Shawnee Co., Kans.

I am the identical Van DeMark Smith who served as a private in Co. D, 22 Regt. N. Y. Vols. I am now pensioned, under cert. No. 125201, for g. s. w. of left shoulder

and resulting disease of the lungs. I am now totally disabled from the performance of manual labor, and have been for several years.

I now have an application for increase pending which I made in the fore part of August, 1890, which I filed through R. A. Davidson, of Topeka, Kansas. I have made several prior applications for increase. I was first pensioned at $4 per month, then on biennial examination I was cut down to $2 per month. Then I applied for increase and was raised to $6. That application I could not say who my attorney was; then I applied through J. B. Cralle, of Washington, D. C., and was raised to $10. Then I applied through Senator Ingalls and was raised to $14 per month. That is all the application for increase I ever remember to have made, except one that was rejected in 1889, which was made through Nathan Bickford, of Washington, D. C.

Have you ever made an application for increase through A. M. Legg, of Topeka, Kan.?

Yes; one year ago last fall I made one through A. M. Legg. That was in November, 1889, but he was not recognized—at least he says he never heard from it.

Is that the only application for increase you have ever filed through him?

Yes, sir; but I think he has got an application from me through fraud. I will tell you how it happened. Last spring, about June 10, 1890, I saw a notice in the paper that a pension had been granted to Wm. DeMark Smith. I at once called at Mr. Legg's office and asked him about it. When I called at his office he said he guessed it was not for me, but that he would write and see about it, and he wrote something and asked me to sign it, which I did without reading it. I think that writing which I signed was on buff or brown paper, but would not be sure as to that. No, sir; there was nothing said about an increase at that time because we did not know whether my other claim had been allowed at that time or not.

Yes; I saw the name of Wm. DeMark Smith published in the Capital, and went up to see Mr. Legg about it, whether it was mine or not.

Was you sworn to the paper you signed in Mr. Legg's office in June, 1890?

No, sir; I was not. I am positive as to that. There was not a word said at that time about making another application.

Do you remember who was present when you signed that paper in Legg's office in June, 1890.

I don't think there was any person present except, possibly, one lady clerk.

No, sir, she nor no other person was called to witness my signature. I am not sure that there was any person present. Yes, I had been in Mr. Legg's office some three or four times before that. No, I don't know any of the employés of Mr. Legg's office by name. There was one kind of a slender lady there that I knew by sight, but I won't be sure that there was even one person present when I signed that paper, or not.

Yes, in November, 1889, I gave Mr. Legg a power of attorney or an application for increase. Those are all the papers I remember ever signing in Mr. Legg's office.

No, sir, I have never been in his office since June, 1890, have had no difficulty with him, but just thought if he had not filed my application I would have nothing more to do with him.

When my order for examination came, it had A. M. Legg's name on it. Supposing that R. A. Davidson was at that time my duly authorized attorney, I took the order and went to him about it. I then told him about signing, as I supposed, a letter in Legg's office in June, 1890, and he (Davidson) then said, Legg has taken a snap application from you without your knowing it. He also said that he had known of such things happening there, in Legg's office, before. I went on and obeyed the order and was examined—was given, I think, a thorough examination by the Lawrence, Kansas, board. They spent an hour and twenty minutes on me, and I think gave me a good examination.

Was S. U. Roby present in Mr. Legg's office in June, 1890, when you signed a paper, and there and acting in her capacity as notary public?

I could not say whether she was present or not, but she certainly did not swear me to anything that day, neither did any person witness my signature while there that day.

Yes, when I signed the papers in that office in November, 1889, I was duly sworn and I think my signature was witnessed, but I don't remember where the notary was; but I will say that I don't remember ever being sworn to any papers by a woman in my life, and I think if I had at any time been sworn by a woman that I should have remembered it.

Yes, that is my signature (appl. for increase dated June 19, 1890, shown to clt.), and I believe that is the letter I signed in Legg's office that day.

Yes, that is my signature (affidavit shown sworn to before J. D. Coddington, N. P.). That aff. was made by me at the solicitation of R. A. Davidson, and at the same time he showed me as much as a half a dozen affidavits similar to mine, which I did not read, but he asked me to do so.

When I called at Mr. Legg's office and signed the paper in June, 1890, it was be-

fore I had secured any notice from the Pension Office that my pension had been increased from $10 to $14 per month. I received the notice of the increase a few days after I had been to Mr. Legg's office, and when I got that I supposed I had no more business with Mr. Legg. I then corresponded with Lemon and Tanner, pension attorneys. No, it was not Lemon, either—it was Milo B. Stevens; but the papers were not filled out to suit me and I finally came to R. A. Davidson, who had been recommended to me by some of the comrades, and he filled out an application for me to which I was sworn by a notary public in a bank below Davidson's office.

Yes, I am positive I was not sworn to any paper in Legg's office in June, 1890, and that there were no witnesses to my signature at that time, and that there was nothing said at that time about my making a new application for increase, and that the paper I then signed I supposed was simply a letter to the office. Yes, sir; that is the only paper I signed in Legg's office last summer, and I have never been in his office since. I was not very favorably impressed with Mr. Legg's manner of doing business, so that when my case was terminated, as I supposed, with which he was connected, I stopped going to his office

For what purpose did Mr. Davidson say he wanted the affidavit which you made in his office in October, 1890?

I supposed that he wanted it to show that A. M. Legg was not my authorized attorney. That was all the reason that was given and I was perfectly willing to make it. Yes; I had heard that Legg and Davidson had been in partnership at one time and had dissolved, and that is all I knew about it.

Yes; I have fully understood your questions, and you have my statement correctly recorded in the deposition.

VAN DEMARK SMITH,
Deponent.

Sworn to and subscribed before me this 7th day of January, 1891, and I certify that the contents were fully made known to the deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION E. *Case of Van DeMark Smith. Cert. No. 125201.*

On this 21st day of January, 1891, at Topeka, County of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss S. U. Roby, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 29 years of age, by occupation clerk and notary public in the office of A. M. Legg, attorney of this city. I have been employed in the office of A. M. Legg since the latter part of December, 1888. My residence, No. 602 West Sixth st., Topeka, Kans.

Are you acquainted with Van DeMark Smith, late of Co. D, 22nd Regt. N. Y. Vols., and who has an application on file for increase of pension?

I don't know whether I am or not. I see so many that it would be impossible for me to say.

Do you know whether he now has an application pending in the office of Mr. Legg, or not?

He has; he has also secured an increase for Mr. Smith—I think last year. I know most of the people in a general way who come into the office, but when they come into the office I have to ask their names, although I know their faces, as persons who have business in the office. I take full charge of the business in the absence of Mr. Legg.

Do you recognize your signature and seal on the paper which I now hand you, which is an application for increase of pension dated June 19, 1890, of Van DeMark Smith, in which A. M. Legg is named as the attorney?

I do.

Do you remember the execution of that particular case?

I do not.

Do you know whether you actually saw the party sign that paper or not?

I know that I did, because I never execute a paper unless I have actually seen them signed, so that I can swear positively that I was present when that paper was signed.

Do you know whether the person was actually sworn to that paper by you?

I don't know, but he was either sworn by me or was sworn in my presence by Mr. Legg.

Do you consider an oath of any binding force if administered by Mr. Legg, who has no authority to administer oath, although done in your presence?

Yes, I have always thought if the person was sworn in my presence and signed in my presence, was just as binding as if I had actually administered the oath myself. All our jurats say, "Sworn and subscribed to before me," but in many instances I have

actually administered the oath myself. When it has been done by Mr. Legg, it has been simply to save us the annoyance. I have never known Mr. Legg to swear any person when neither of the notaries were present.

Do you know whether Miss Hibbard and Miss Parish were actually present when that paper was signed or not?

I can't tell whether they were or not. Very often they were called in to witness and at other times the papers were taken to their desks. I don't think I ever realized the necessity for so much care as to witnessing papers. I always looked upon that as a simple matter of form, but that is not much credit to me.

Was Miss Stewart ever asked to put her jurat on papers that she had not seen signed?

I never heard anything of it.

What was the usual course with the notaries—to take charge of and execute papers as soon as they were signed, or would they be placed to one side and executed at a future time?

It was usual for the notary to execute papers the same day they were signed, but during the rush they were not always executed the same day, but when papers were signed they would be laid to one side. Sometimes my papers would get on Miss Stewart's desk and when she would find them on her desk she would bring them to me, as she would know nothing about them.

Do you know of any instance in which any of the notaries has put their jurat to papers that had not in fact been sworn to and subscribed before them?

I do not.

Do you know whether any of the clerks in that office have signed their names as witnesses to signatures, or as identifying witnesses, in cases where they had not seen them signed or did not know the party they identified?

I think there may have been cases when the clerks have signed as witnesses to identify persons where they did not know them, but as witnesses to signatures I think they were always present. I know I have witnessed a great many of them myself and have called the other girls to do so.

Do you remember this matter to have been discussed in the office at one time last summer?

Yes, I believe there was something said in regard to it among the girls.

Do you know of any instance where parties have signed papers supposing they were one thing, when in reality they were not what they supposed they were signing?

No, sir; I know of no such instance, for Mr. Legg was always very particular to read over papers before they were signed and sworn to, and he is also very particular to have papers returned for correction. In no instance will he allow change or alteration to be made in the office after a paper has been executed—not even as to the year, when it is plain to be seen that it was a mistake.

Was you in the office when the Searle patent papers were prepared?

Yes, I was there, and I think executed the papers in that case.

Do you remember seeing Mr. Searle sign those papers?

He did sign them.

Do you remember whether any papers relating to that case were made out after he left the city?

I don't know, for he was here several times.

Do you know who signed Mr. Searle's name to those papers after Miss Rastall had failed?

I know nothing of anything of the kind. Mr. Searle signed them himself.

Did you ever hear of Miss Rastall being asked to sign Mr. Searle's name to those?

I never heard of anything of the kind. I had but very little to do with that case. The papers in the case were prepared by Mr. Searle and Mr. Legg and were copied on a typewriter by Miss Fannie Rastall. My business was with the pension claim.

Do you know whether Mr. Legg has kept a copy of the papers in that case?

I am not sure, but I think he has.

Have you ever known of an instance in that office where a person's name was signed to any paper without their knowledge or consent?

No, sir, nothing, never; and neither I nor any of the clerks in the office have ever been asked to do anything that could possibly be construed as wrong except it be the signing as witnesses when not present, and I never gave that a thought as being wrong. I supposed that as long as they were right there in the office and knew that the papers had just been made out, but in many instances they were actually present and saw the papers signed, but I suppose they are like I am—unable to tell in what cases they were present and those they were not present in.

Was Miss Stewart discharged from Mr. Legg's office because she would not put her jurat on papers that she had not seen signed?

Not that I know anything about. I never heard of such a thing, and I believe Miss Stewart left the office on her own account and was not discharged at all.

Do you know of any instances in which papers have been filed in the Pension Office where it was known that they were false or fraudulent?

No. Such a thing was never done through that office to my knowledge.

Do you know of any instance in which Mr. Legg has contracted for, demanded, or received an illegal fee in a pension claim?

I do not positively.

I am not related and have no personal interest in this matter more than an honest clerk should have for the employer, and you have my statement correctly recorded.

S. U. ROBY, *Deponent.*

Sworn to and subscribed before me this 21st day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION F. *Case of Van DeMark Smith, Cert. No. 125201.*

On this —— day of January, 1891, at Topeka, County of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss M. F. Hebbard, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 20 years of age, by occupation a clerk in the office of A. M. Legg; residence No. 112 Central ave., North Topeka, Kans.

I have been employed in the office of Mr. A. M. Legg, of this city, since February 25, 1890.

Are you acquainted with Van DeMark Smith, who is now a pensioner and resides in this city?

I can't say that I am. I don't know that I should know him if I should meet him.

Is this your signature on this paper I now show you, which is an application for increase of pension for Van DeMark Smith, Co. D, 22 Regt. N. Y. Vols., dated June 19, 1890?

Yes, sir; that is my signature.

Can you tell me as to what the circumstances were under which you signed that paper?

No, sir, I can't, for I signed such papers simply as a form connected with my duties in the office. It is so common for me to be called on to sign such papers that I would not be likely to remember any particular case unless there was something particular connected with the case.

Do you know whether you were present and actually saw the applicant sign that particular paper or not?

I can not say, as sometimes I was called into the room to see persons sign papers, and at other times the papers would be brought to my desk for me to sign them when I had not actually seen the pen in the act of signing, but in such cases the ink would be fresh with every indication that the paper had just been signed, so that I was satisfied in my own mind that it was all right and as I had the utmost confidence in the persons in the office, such a thing as fraud in the preparation of papers there never entered my head. Mr. Legg was always so particular to have papers returned that came from a distance and were not properly witnessed, that, of course, I thought that any papers that were prepared there in the office were absolutely correct, so I felt that if I did not actually see them signed that it was all right, as the work had been done in the office, so that at that time I can't say whether I actually saw that paper signed or whether it was one of those brought to my desk for me to witness.

Do you remember whether you was actually sworn to that paper or not?

I could not say. I can't remember.

Do you remember ever to have been sworn in any instance when you have been sworn to papers in that office?

I was probably included when the clt. was sworn in my presence.

Was it customary for persons executing papers in your presence to be sworn to such papers as they were signing?

Yes, sir; to the best of my recollection it was.

Who usually administered the oath to such persons?

So far as I recollect, it was the notary, but I never gave that a moment's thought.

Did you ever actually see Mr. Legg swear any person?

I can't remember now whether I did or not.

Did you ever see either of the notaries in Mr. Legg's office swear any person to papers they had signed?

Yes, sir, I know I have.

Do you know whether others of the employés of the office were ever called to witness papers the same as you have been?

Yes, sir, I think they have been. We have always considered that as a part of our duties.

Do you know of any instance in which persons have been induced to sign papers in that office that were in fact not what they supposed they were signing?

I know of no such instance, for so far as my knowledge extends, it was customary for papers to be read over to persons before signing them, and I don't think there was any case where persons signed papers not knowing what they were doing—that is, when I was present.

Did you ever know of any instance in that office where clerk or other persons have signed the name of persons to papers without the knowledge or consent of such person?

No, sir, I don't know any such instance, neither did I ever hear any of them asked to do so.

Do you know of any instance in which either of the notaries in Mr. Legg's office have put the jurat on papers when they had not seen the persons sign them?

I do not remember any such instance; as a rule, the notary in the room where the paper was prepared would execute it; that was the general rule. No, sir; I never knew Miss Stewart refusing to put her seal on papers because she had not seen them executed.

I am not related and have no interest in this matter, and you have my statement correctly recorded. I will add that I have been absent from Mr. Legg's office one week in March and one week in June, when I have been employed in the pension agency in this city, also in September and December.

M. F. HEBBARD, *Deponent.*

Sworn to and subscribed before me this 20th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION G. *Case of Van De Mark Smith, No.* ——.

On this 20th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss A. E. Parish, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 22 years of age; by occupation, a clerk in the office of A. M. Legg, attorney, Topeka, Kan. I have been employed in Mr. Legg's office since the 8th of May, 1889. My residence is No. 400 Brannen St., Topeka, Shawnee Co., Kan.

Are you personally acquainted with Van De Mark Smith, a pensioner residing in this city?

No, sir.

Do you know whether you ever met him or not?

No, sir; I don't know that I ever met him or ever saw him.

Is that your signature on the paper which I now hand you, which is an application for increase of pension for Van De Mark Smith, dated June 19, 1890, in which A. M. Legg is named as the attorney and on which the name of A. E. Parish appears as one of the identifying witnesses?

Yes, sir; that is my signature.

What can you tell me as to any of the circumstances under which that paper was executed?

I can't tell you anything, for I have been called upon a great many times to witness such papers. I had charge of the increase work and remember to have had the claim of Van De Mark Smith, but can't remember when his claim was filed.

Do you know whether you was present and saw Van De Mark Smith sign that paper or not?

No, for the reason that I have at times been called into the front office to witness for persons, and at other times the papers were brought to my desk for me to sign without my having seen them signed. Yes, when the papers were brought to my desk for me to sign I would know what it was, and I could tell in whose handwriting the papers were made out, and the ink would be fresh, so that I never had the slightest doubt but that everything was all right.

In whose handwriting is that application?

The blank spaces are filled in by Miss S. U. Roby, but the body is in Col. Legg's writing.

Do you know or remember whether you was sworn to that paper or not?

No, sir; I was not sworn—was never sworn to any of the papers I signed in that office. Yes, I have signed a good many papers there in that office similar to this.

Do you know whether the applicant was sworn to that paper or not?

I don't know, because I don't remember whether I saw him sign it or not; but I will say that in all cases where I have seen them sign the application they have been sworn.

By whom were they sworn?

I have seen them sworn by Miss Roby and by Col. Legg in the presence of the notary. I don't remember ever to have seen either Miss Stewart or Miss Morris swear any person, but Miss Stewart was only in the office a very little time after I went there.

Did you ever know Col. Legg to administer the oaths when neither of the notaries were present?

No, sir; I never have.

Have you ever known either of the notaries to put their jurat and seal on papers that they had not seen signed?

No, sir; I know of no such case.

Do you know or ever hear of a case in that office where person's signatures were procured to papers that were not what they supposed they had signed?

I never knew of such a case, and don't think it ever occurred since I have been there, for I know in all cases where I have been called in to witness for persons the paper would be read to them before they signed it; but in case where the papers were brought to my desk for me to witness of course I would know nothing about it whether they knew what it was or not. I think the papers were more frequently brought to my desk for me to witness than for me to be called in the front office to witness. In all cases where papers arrived at my desk through the mails and were not properly made out, I returned them with new blanks for correction; but in the case of papers that were prepared or executed in the office I would return them to the notary for correction. The clerks were not allowed to make correction in papers after they were executed.

Have you ever been called on to witness the signature of persons who signed by mark, where you had not seen the paper signed?

I have no recollection in particular about that.

Did you ever in any instance know of a person's name being signed to any paper in that office without their knowledge or consent?

No, sir.

Have you any knowledge of there ever having been sent to the Pension Office any papers relating to a pension claim which either Mr. Legg or the clerks in the office knew to be false or fraudulent?

No, sir.

Have you any knowledge of any case in which Mr. Legg has either contracted for, demanded, or received an illegal fee?

I have never known of such a case. The mail is usually opened by Miss S. U. Roby and it is distributed to the different cases by Arthur Roby.

I am not related and have no interest in this matter and you have my statement correct.

A. E. PARRISH, *Deponent.*

Sworn to and subscribed before me this 20th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION H. *Case of Van De Mark Smith, No.* ——.

On this 16th day of January, 1891, near Wakarusa, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss N. M. Stewart, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 20 years of age, resides 1½ miles SW. from Wakarusa, Shawnee Co., Kans.

I was employed in the office of A. M. Legg from about Mar. 24, 1890, to the fore part of August, 1890. My duties were those of a stenographer, typewriter, and notary public. I was appointed a notary on the request of Mr. Legg.

What, if anything can you tell me as to Mr. Legg's methods of securing applications for pension or for increase of pension or whether in any instance he resorted to fraud or duplicity to secure such application?

I was usually busy and did not hear all that was said. The room would often be full of men, and Mr. Legg would be talking to two or three at a time, so that I would know but little of the general conversation, and I can't say that I know of no particular case in which real fraud was resorted to, but sometimes when I would get to the office in the morning I would find a number of affidavits in a drawer in my desk which I was expected to execute, but which I never did execute. Those that were made in my presence I kept in a separate drawer. Those that I would not execute, because I had not been present when they were signed, were executed by Miss S. U. Roby, who was the head clerk and was also a notary public. No, sir; I in no instance put my jurat on papers unless I had seen them signed. Such papers as were executed before me

were invariably sworn to. Mr. Legg would administer the oath when he was present, and when he was not present I would administer the oath; but I never put my jurat to papers that I had not seen sworn to, and I supposed that it was all right for Mr. Legg to swear them if I was present. I don't think Mr. Legg was very particular about whether the notary was present or not, for I have often heard him say to parties, "come in at any time, I am always here until seven p. m.," and both Miss Roby and myself left at six p. m., and such papers as I could find in my drawer in the morning I supposed had been prepared by Mr. Legg after we had left in the evening.

Could you specify any particular paper that was prepared in that way which you refused to put your seal on and were afterwards executed by Miss Roby?

No, I could not.

What did you do with such papers as you would find on your desk that you would not execute?

I would just take them in to Miss Roby and tell her that I did not know anything about them and she would then execute them herself.

Do you know whether she had in fact seen those papers signed that she would execute after you had declined to do so?

I do not, but I don't see how she could have seen it done as they had been signed after we had left the office in the evening. She left when I did, at six p. m., and would return when I did, at eight a. m. I could say positively that she had not been back to the office, but when she was present and papers were signed and I was not there she would always take care of the papers herself, would take them into the other room to her own desk.

In whose handwriting would such papers as you would find on your desk of mornings be?

In Mr. Legg's.

Did you ever know Mr. Legg to get persons to sign papers that were not in reality what they supposed they were signing?

I don't know of any instance of that kind. It was usual for him to read over to persons what he had written, but sometimes he would not, and sometimes papers would not be fully filled out when they would be signed; for instance, an application for increase, where it was a straight application for what they were already pensioned, he would just put the name and number of the case, then have it signed and sworn to, leaving the description of the disability to be filled in by the clerk having charge of the case, and the same way with application under the new law when they had an application pending for the same disability under the old law. Mr. Legg would usually talk a case over with the applicant, then sit down and fill out a blank, have them sign it and swear to it, then hand the paper to me to affix my seal and jurat.

I don't recall that I ever had anything to do with the increase case of Van De Mark Smith, and yet I may have done so, for Mr. Legg has probably three or more thousand cases, and it would be difficult for me to recall each particular case that I executed papers in. No, sir; I never knew of any case of forgery in the office or in connection with any case, but I know he has had the clerks sign as witnesses that they were well acquainted with the persons when they had never seen them before. Yes, it was usual for the clerks to sign as witnesses to signatures when they had not seen the parties sign them. He would just take the papers into the other room and ask any person to sign them.

What class of persons did Mr. Legg usually have in his employ?

Usually young girls without any experience—persons who had never worked in an office.

Did you ever know any of the girls to refuse to sign as such witnesses?

I can't say that I did, for they supposed that it was all right. I believe Miss Kent, I am not sure, but I think her name was Edith, and she lives in Topeka, refused to sign as witness to papers, etc. No, sir; Mr. Legg did not discharge me. I left of my own accord, because he failed to increase my salary as he had agreed to do, and my leaving there had nothing to do with my refusing to put my seal on papers, for Mr. Legg never insisted on my executing any paper that declined to execute. He knew that Miss Roby would execute them whether she had seen them signed or not. When appointed, I had no experience and knew nothing of the duties of a notary, but I knew that I had no right to say that I had seen papers signed when I had not done so. Yes; I brought my seal away from the office with me.

You have my statement correctly recorded in the deposition.

N. M. STEWART, *Deponent.*

Sworn to and subscribed before me this 16th day of January, 1891. And I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION I. *Case of Van De Mark Smith, No. ——.*

On this 15th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss Fannie E. Rastall, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is —— years of age, by occupation a stenographer and typewriter, residence 2115 West Tenth st., Topeka. About Sept. ——, 1889, I did some work on a typewriter for Mr. A. M. Legg, of this city. I prepared some papers relating to a patent for Mr. Searle, and have since made an affidavit for Mr. Searle relative to my recollections of that matter. I was only there in Mr. Legg's office a portion of a few days. My connection with that work has been fully explained in my affidavit given to Mr. Searle.

Did Mr. Legg as a matter of fact ask you to sign Mr. Searle's name to any of the papers you had prepared in that patent case?

Yes; after finishing that work he asked me if I could imitate anyone's handwriting, and showed me Mr. Searle's signature to some papers on his desk, stating that he simply desired to have Mr. Searle's name on the papers I had written for reference in his office. I took a pen and a blank slip of paper and made the attempt to write like Mr. Searle, telling Mr. Legg at the same time that I could not do it. I failed utterly and we both had to laugh over my complete failure. He then said never mind, I can get some one else to do it; so that in fact I never signed Mr. Searle's name to any document of any kind. No, I don't know whether any other person signed his name to the paper or not.

Do you remember whether you made more than one smooth copy of the papers in the Searle case or not?

I do not.

What do you know, if anything, as to the manner in which the business in Mr. Legg's office is transacted?

I don't know anything about it except that I know that while I was in his office he sometimes brought papers to the clerks in the office and asked them to witness the signatures to the papers, saying that it was all right to do so, it being merely a matter of form.

Do you know in fact whether the parties, clerks in Mr. Legg's office, had in fact seen them signed by the parties whose signatures they witnessed?

I do not.

When did you first sign an affidavit relating to this Searle patent case?

I think on the third of January, 1891, before Mr. Baker, of Topeka, Kan., at the office of Kansas Newspaper Union. This is the only affidavit or papers of any kind I have ever signed relative to the case, but prior to making that affidavit I had a conversation with Messrs. Searle & Baker in Chicago, Ill, and later, about Dec. 30, 1890, another conversation with the same parties at my home in this city.

I have no interest in this matter, and you have my statement correctly recorded.

FANNIE E. RASTALL, *Deponent.*

Affirmed to and subscribed before me this 15th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION J. *Case of Van De Mark Smith, No. ——.*

On this 21st day of January, 1891, at Topeka, County of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Elenor Morris, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 28 years of age, by occupation stenographer and typewriter, residence #1267 Tyler st., Topeka, Kan.

I have been employed in the office of A. M. Legg, of this city, since the 1st day of July, 1890, and believe I am pretty familiar with his manner of transacting business, as I have been right in the room with Mr. Legg and have not lost a *whole* day from the office since that date. My duties are that of a stenographer, typewriter, and notary public. My notarial duties are confined to that office, and have executed a large number of papers connected with pension cases.

Do you always swear persons to the paper to which you affix your jurat?

No, sir; I do not. I hear them sworn and hear the paper read and see them sign them, but I don't always swear them myself, and I think my jurats always say sworn to and subscribed before me this —— day of ——, but it does not say that I swear them. The oath is usually administered by Mr. Legg.

Have you in any instance been asked to or required to affix your seal to papers where you had not actually seen the parties sign and swear to the document?

No, sir; I have not in any instance.

Have you ever known of any other person in that office to do so?

No, I have not.

Have you in any instance known persons to sign papers in that office when they were not in fact just what they supposed they were signing.

No, sir; never under any circumstances, for all the papers are read and explained to persons before they take the oath, and we are very particular in the office to return papers for correction where they are not just right, for Col. Legg allows no changes or alterations in any paper after it has been executed.

Have you ever known of a person's name being signed to papers without their knowledge and consent?

I never did, and never heard of such an instance. I consider Col. Legg a very honest, conscientious attorney.

Do you know whether the clerks are required to sign their names as witnesses both to signatures and as identifying witnesses, to papers that they have not seen signed or for persons that they don't know or have not seen?

Not in any case, if they object to doing so, and have never heard anything said on the subject, and since I have been in the front office I have not taken papers there for signature, but I have known of papers being taken to their desks for them to sign when they had not seen the signer, but if they had raised any objection I don't think they would have insisted on them signing.

I am not related and have no interest in this matter and you have my statement correct.

ELEANOR MORRIS, *Deponent*

Sworn to and subscribed before me this 21st day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION K. *Case of Van De Mark Smith, No.* ——.

On this 14th day of January, 1891, at Topeka, County of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Nettie Moore, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 22 years of age, residence Wanamaker, Shawnee Co., Kan.

I was employed in the office of A. M. Legg from Oct. 15 1889, to Oct. 15, 1890, and during that time I became familiar with his manner of doing business.

Did you have anything to do with the increase application of Van De Mark Smith?

No, sir; not to my recollection.

Did you ever know any person's name to be obtained on papers without their knowing what they were signing.

No, sir; but have seen persons sign papers without either reading or having them read to them.

Was you ever requested to sign papers as a witness when you had not seen them signed.

Yes, many times. I have had whole piles of papers brought to me and I was told to sign them as a witness and did not know or even see the name that had been signed to them, but after I had been there long enough to learn or to know the force or meaning of my signature upon such papers, I refused to sign as a witness unless I had seen the person sign them. Yes, I have been called to see persons sign papers and have witnessed their signature.

Did you ever know of any papers being changed or corrected after their execution?

No, sir; I never did. We always returned papers for correction when they were not right.

Did you ever know any person's name to be signed to any paper without their knowledge or consent?

No; I never did.

Was you in Mr. Legg's office when the Searle patent case was being prepared?

Yes.

Who did the work on that case?

The only persons that I know of having anything to do with that case were Mr. Legg and a young lady typewriter who was temporarily called in there for that purpose. I don't know her name. She was there such a short time that I did not get acquainted with her. Yes, Miss Rastall or the young lady did the copying in the room where I worked, but I thought the copy was prepared for her by Mr. Legg and Mr. Searle, for I have seen them make changes. It was kind of secret work; they would get off and whisper together.

Did you ever hear Mr. Legg ask the lady who made the copy of that patent case to sign Mr. Searle's name to any of those papers?

No, sir; I never did.

Did you ever hear of his having asked her to do so?

No, sir; I never did. Yes, Mr. Legg was always very careful to have us prepare papers just right.

What can you tell me about the manner in which the notaries in that office executed papers? Did they always see the persons sign the papers to which they affixed the seal?

All I can say is that Miss Stewart was always particular to see the persons sign any papers that she executed, but I know Miss Roby was not particular. I know one time there was a lot of papers on Miss Stewart's desk and Miss Roby asked her to put her seal on them, and Miss Stewart said she would not because she had not seen them signed and had not sworn them; so, after some contention, Miss Roby sent her brother Arthur after them and he took them to Miss Roby's desk and she put her seal on them. No, I don't know what those papers were. I think they were all kinds of papers—a little of everything.

Were the clerks so situated that they could see or hear what took place in Mr. Legg's room?

No; he took particular pains that we should not see or hear.

Did you ever know of any false or fraudulent papers being sent to Washington from that office?

At the time I did not know they were false, but I now know that papers we signed as witnesses when we had not seen them signed were false. No, sir; I never saw any of the girls sworn and don't believe they ever were. I know I never was and I have signed hundreds of papers there before I was. After I had been there a time I noticed that it said on the blanks that the witnesses were present and saw the papers signed. After that I would not sign as a witness unless I had seen them signed.

Did you ever see Mr. Legg administer the oath to any person?

Yes, I saw him swear two men to, I think, affidavits. I don't remember whether either of the notaries were present or not. No, sir; he is not a notary, or at least he has no seal, but I have seen Mr. Legg come to Miss Roby's desk and put her seal on papers. Once I know she was not present.

I have no interest in the case and you have my answers correct.

NETTIE MOORE, *Deponent.*

Sworn and subscribed to before me this 14th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION L. *Case of Van De Mark Smith.*

On the 9th day of January, 1891, at Topeka, County of Shawnee, State of Kansas; before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Laura C. Sapp, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says she is 21 years of age; occupation, stenographer and typewriter; residence, No. 329 Jackson st., Topeka, Shawnee Co., Kan.

I was employed in the office of A. M. Legg, of this city, as a clerk from the latter part of October, 1889, until sometime in May, 1890, and during that time I became familiar with his mode of transacting business in that office.

Q. While employed in Mr. Legg's office, were you ever called upon to witness the signature of any person?—A. Yes, sir; often. Why, I have had Mr. Legg bring to my desk stacks of papers—affidavits, fee contracts, and applications—in fact, all sorts of papers, which were signed by mark and had to be witnessed.

Q. Did you always see the person sign whose signature you witnessed?—A. No, sir; as a rule I did not see them sign, for that was done in Mr. Legg's room, and I was in another room, but have been present sometimes when they were signed, but that was the exception, not the rule.

Q. When you were signing papers in that way, did you not know that you had no right to sign as a witness where you did not actually see the party sign them?—A. At first I gave it no thought, and supposed that where Mr. Legg said it was all right that it was proper for us to do so; but after a time my office was moved across the hall from Mr. Legg's room, and I was not called upon any more to sign in that way.

Q. While in Mr. Legg's office, were you ever called on to copy papers and to imitate the signatures on the papers?—A. No, sir; I never was, and never knew of such a thing being done while I was in the office, and I don't believe that such a thing was ever done while I was there.

Q. Were you employed in the office of Mr. Legg when the Searle patent case was being prepared?—A. Yes, but had nothing to do with the preparation of those papers;

that work was copied by Miss Fannie Rastall (?), who was a typewriter; that work was done there in the room where I was. The rough draft of the papers was prepared by Mr. Legg and Mr. Searle, and Miss Rastall simply copied them.

Q. Do you know whether she was requested to sign Mr. Searle's name to those papers or not?—A. I do not, but don't think she was; at least I never heard of anything of the kind.

Q. Was the copy she made to go to Washington, or was it to be retained in Mr. Legg's office?—A. I don't know.

Q. Have you ever heard Miss Rastan say anything about being requested to sign Mr. Searl's name to those papers?—A. No, I have not.

Q. Was Miss Rastan at that time regularly employed in Mr. Legg's office, or was she only temporarily called there to copy those papers?—A. She was only called in to do that work. I at that time had only just commenced to take lessons in typewriting, and did not feel competent to do it properly. I don't think Mr. Legg ever completed that patent case. I know he and Mr. Searl had some trouble, and my recollection is that the case was taken out of Mr. Legg's hands before it was completed.

Q. Can you now recall any particular case where you signed as a witness and had not seen the parties sign them?—A. No, I could not; for I have witnessed hundreds in that way that I never even saw the person who purported to have signed them.

Q. Did you ever know Mr. Legg to obtain an application for pension or for increase of pension through fraud or duplicity?—A. I have known him to make out such applications for persons when they said they were not ready; that is, he would fill out the papers and have them sign them, with the understanding that they would be retained in the office until they were ready to have them sent away, and then he would send them in at once.

Q. Were those applications acknowledged before a notary or other proper officer?—A. I could not say as to that, but such papers as I refer to were usually made in the presence of S. N. Roby, who was a notary public, and I know we were always compelled (?) to have papers properly executed; that is, so they would show up all right in Washington before they were sent out.

Q. Did you ever see Miss Roby swear people to papers to which she affixed her official seal as a notary public?—A. I have seen her swear them a few times when Mr. Legg was absent, but have seen her affix her seal hundreds of times.

Q. Do you remember ever to have seen Mr. Legg administer the oath to any person?—A No, sir.

Q. Did you ever know Miss Roby to affix her notary's seal to papers that she had not seen signed?—A. Yes; after the clerk's office was removed across the hall from Mr. Legg's office such papers were usually brought to Miss Roby's desk all signed, and she would affix her seal. I have also known her (Miss Roby) to be called into Mr. Legg's room to witness papers. I remember one case, that of Mr. Moore, the father of Miss Nettie Moore, one of our clerks; that was an applicant for increase, and was one of my cases. I know Miss Roby had not affixed her seal, and that was several days after the papers had been signed by Mr. Moore. I would not swear that she did not see Mr. Moore sign that paper, but my best recollection is that she did not see it signed.

No sir, I never knew Mr. Legg to send any false or fraudulent papers to the Pension Office; never knew him to allow one word or letter to be altered in any papers after they had been executed. In preparing papers he always instructed us not to erase a word, but simply to run our pens through it, so that it would show just what had been written. The only thing that I knew him to do wrong, was to get people to sign papers when they really were not ready to do so; and asking the clerks to sign as witnesses to signatures where they had not seen the parties sign them.

Q. Are you and Mr. Legg on friendly terms?—A. We are not friends. I would not work for him again. I don't think the business of his office is properly conducted. He deceives his clients in many ways and does not give them the true state of the business.

Q. Did you ever know him to contract for, demand, or receive, a greater fee than that allowed by law?—A. No, sir; but have known him to write that he could not get their case allowed until they had signed fee agreements, but after he had been to Washington, that form was changed.

I am not related, and have no interest in this matter, and you have my statement correctly recorded.

LAURA C. SAPP, *Deponent.*

Sworn to and subscribed before me this 9th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION M. *Case of Van De Mark Smith.*

On this 8th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared E. D. Prouty, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says: She is 17 years of age; resides at No. 815 Topeka ave., Topeka, Kans.

I was employed as a clerk in the office of A. M. Legg from June 4, 1890, to the 1st of September, 1891. (1890?)

Yes, sir; while so employed I was often called upon to sign papers as a witness to their signatures.

Q. Did you always see such persons sign the papers, or touch the pen?—A. No, sir; not always.

Q. Did you ever see any person sign the paper to which you were a witness to their signature?—A. Yes; I think I did once or twice.

Q. Could you recall who you have seen sign?—A. No, sir; I could not.

Q. What was the usual course in Mr. Legg's office about witnessing such signatures?—A. The papers were made out in the front room, in Mr. Legg's office, and when there was no person in there to witness the signature, Mr. Legg would bring the papers in our room and have the girls witness. There were two rooms between the room in which we worked and the one Mr. Legg used for his office.

Q. Would the persons who had signed those papers ever come in your room with Mr. Legg when he would bring the papers there for you to sign?—A. No, sir; for sometimes it would be two or three days after they had been signed before they were brought to us to witness, and when we were preparing papers to send to Washington, when they had been signed by mark, if the signature had not been witnessed we were required to sign as a witness; that related simply to papers that had been prepared in the office, for I know when papers came in that had been prepared out of the office and were not properly witnessed, we always sent them back for correction.

Q. Did Miss Roby always swear persons to papers to which she affixed her seal as a notary?—A. Yes, sir; I believe she did. I have seen her swear persons to papers, but have never seen either of the stenographers do so. Miss N. M. Stewart was the stenographer when I went there, and after she left, Miss E. Morris was the stenographer. Yes, they were both of them notaries public.

Q. Do you know the cause of Mrs. Stewart leaving Mr. Legg's office?—A. No, sir; I don't.

Q. Do you know whether either of those stenographers were required to affix their notary's seals to the papers they had not seen signed, or had not sworn them to?—A. No, sir; I do not.

Q. Can you give me the names of all the employés of Mr. Legg's office while you were there?—A. Miss N. Moore, Miss S. McNory, Miss Hebberd, Miss Parrish, Mrs. Kent, Miss Hughes, Miss Roby, Miss Stewart, Miss Morris, Arthur Roby.

Q. Was it the usual custom for the employés of the office (Mr. Legg's office) to sign as witnesses to signatures when they had not seen the papers signed?—A. Yes, sir; that was the custom until Miss Nettie Moore refused to sign when she had not seen the parties sign them. I know there was quite a dispute in the office one day. I had an application where the signature was not witnessed, and I asked one of the girls to sign it, and asked Miss Moore if it was all right, and she said it was not, and Miss McNary said it was, and we got into a dispute about it, and Mr. Legg came out and told us not to sign it if it hurt our conscience, but that it was all right—that no person would ever know it outside of those that were then in the office.

No; I don't remember whose application it was that we had the dispute over.

I have no interest in this matter, and you have my statement correct.

E. D. PROUTY, *Deponent.*

Sworn to and subscribed before me this 8th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION N. *Case of Van De Mark Smith.*

On this 17th day of January, 1891, at Topeka, County of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared James D. Caddington, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: He is 57 years of age; by occupation, clerk for R. A. Davidson and notary public; residence, No. 510 Monroe street, Topeka, Kans.

Q. What, if anything, do you know about irregularity in the transaction of business in the office of A. M. Legg, claim agent of this city?—A. I know that he failed to file an application for back pay and bounty in my own case, as he promised to do, or at the time he promised to do so.

Q. Did you properly execute an application of that kind, and place it in the hands of Mr. Legg to file?—A. Yes, sir; I did, but I don't know who the notary was.

Q. How do you know that he failed to file that claim, as he promised to do?—A. I know that they were not filed for record years (?) after they were placed in his hands to file, and not until after I had written to the War Department and to the Second Auditor about it, and then went to Mr. Legg. I also know that he has deceived other people about filing (?) the papers in their cases. One case was that of Mrs. Cornelia V. Blackburn, of Eureka, Kans. She sent to Mr. Davidson a letter from Mr. Legg, stating that he had the papers in her claim, when as a matter of fact the papers in that claim had gone to Mr. Davidson in the division of claims when Legg and Davidson dissolved partnership, and according to the jacket belonged to Mr. Davidson. There have also been made before me several affidavits of persons as to Mr. Legg having filed claims for them, when in fact they had no knowledge of ever having filed or signed such application. I remember Van De Mark Smith, George W. Mayhull, Moses Taylor, Thomas White, Jackson Warren.

Q. Do you know of any other cases in which there has been any informality or fraud on the part of A. M. Legg?—A. At this time I don't think of any particular case, but I have heard so many complaints amongst the old soldiers when he would tell them that he could get their claims through, when in fact he knew little or nothing about their claims.

Q. Do you know of cases in which Mr. Legg has got persons to sign papers which were not in fact what they supposed they were signing?—A. I remember the case of Van De Mark Smith, but you have that case on hand now and have taken his statement.

Q. Do you know of any case in which Mr. Legg has actually committed forgery?—A. At the present time, I do not; not of my own knowledge.

Q. Have you ever heard of any such a case?—A. Only the cases that I have taken the affidavits in, and one other case that I can't now recall the name, but will look the matter up.

Q. Do you know of any case in which Mr. Legg has accepted an illegal fee?—A. I don't, and would like to have you put this matter off for a couple of days, so that I may think this matter over.

JAMES D. CODDINGTON, *Deponent.*

Sworn to and subscribed before me, this 17th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION O. *Case of Van De Mark Smith.*

On this 10th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Spencer West, who being by me first duly sworn to answer truly all interrogatories propounded to him during the special examination of aforesaid pension claim, deposes and says: He is 77 years of age; by occupation a laborer, and resides, Center st., near 11th st. east, Topeka, Kas.

I am the identical Spencer West who served as a private in Co. K, 101st U. S. C. T., and have an application for pension pending both under the old and new law. Mr. A. M. Legg, of this city, is my attorney in both claims.

Q. When you made your application for pension under the new law, in Mr. Legg's office, who swore you to that application?—A. Mr. Legg swore me hisself. No, sir; the young lady never swore me to any paper.

Q. Did Mr. Legg ever swear you to any other paper than this application?—A. Yes; I think he swore me to the paper I made out when I first went there. I had originally had my claim in the hands of Pat. Coney, of this city, but gave it to Mr. Legg.

Q. Did you ever see Mr. Legg swear any other person to papers in his office?—A. Yes, sir; he swears most of the men that he fixes up papers for.

Q. Were you present when Moses Taylor made his application under the new law at Mr. Legg's office?—A. No, sir; and he says he did not make his claim with Mr. Legg, but he has got a card from him and don't understand it.

Q. Who do you remember ever to have seen Mr. Legg swear to papers?—A. I could not say who, but numbers of the white men when I would be in there. I have seen him swear a good many.

Q. Did you ever see any of the ladies in Mr. Legg's office swear persons to papers?—A. No, sir; not to my recollection; but there is one there who attends to his business when he is gone.

I have no interest in this matter and you have my statement correct.

SPENCER (his x mark) WEST.

HALVOR HANSON.
C. W. OKEY.

Sworn to and subscribed before me this 10th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION P. *Case of Van De Mark Smith.*

On this 12th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Alex. C. Moore, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of the aforesaid pension claim, deposes and says: He is 58 years of age; by occupation a farmer; residence 4 miles west froom Topeka; P. O. at Wanamaker (?), Shawnee Co., Kas.

I am the A. C. Moore who served in Co. F, 26th Regiment Ohio Vols.; am now a pensioner at the Topeka, Kas., agency, at $6 per month, on account of chronic diarrhœa and piles. I was originally pensioned at $4 per month, and sometime in the early spring of 1890 I made an application for increase through A. M. Legg, of this city, and my claim was allowed at $6 per month.

Q. When you made that application in Mr. Legg's office, who swore you to it?—A. The oath was administered by Mr. A. M. Legg himself. I don't remember whether there was any person present or not.

Q. Are you acquainted with Miss S. N. Roby, a notary public in Legg's office?—A. I am.

Q. Was she present when you signed, or when you swore to that application?—A. No, sir; she was not.

Q. Were you ever sworn to any document by Miss Roby?—A. I have no recollection of ever being sworn by her.

Q. Do you remember who signed as a witness there in Mr. Legg's office, when you made your increase application?—A. No, sir; I do not.

Q. Did you ever sign as a witness?—A. Yes, sir; but I was sure to know that the person whose signature I witnessed was him that I had seen sign.

Q. Did you ever see other persons signing as witnesses in that office?—A. Yes; I have seen ——— (?) sign some four or five different papers at a time, but would not say that they had not seen the papers signed that they witnessed; but I have seen papers witnessed that were not signed while I was in the room. Capt. McIntosh would sign all the papers that were laid before him.

I heard Mr. Legg swear one other person myself, but could not say now who it was.

I am not related and have no interest in the matter, and you have my statements correct.

A. C. MOORE, *Deponent.*

Sworn to and subscribed before me this 12th day of January, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

[Orig. Invalid, No. 698427. Jackson Warren, Co. D, 83 Regt. U. S. C. T. P. O., Topeka, Shawnee Co., Kansas.]

TOPEKA, KAN.

The COMMISSIONER OF PENSIONS,
Washington, D. C.:

SIR: I have the honor to return with report all the papers in the above-cited case, which were referred to me for special examination by office letter of Dec. 24, 1890, with letter from the law division of Dec. 20, 1890, and affidavit from the claimant, in which he says that he has never knowingly made an application for pension under the new law through A. M. Legg. See Exhibits A, B, and C.

The claimant in this case is a poor, ignorant, worthless fellow and has no particular reputation. In his statement before me he don't even admit that he signed any papers in Mr. Legg's office since the passage of the act of June 27, 1890, while in his affidavit he alleges to have done so.

The notary, Miss S. U. Roby says she knows the claimant in this case; does not remember the execution of the papers in his case, but does recognize her signature and seal on the application, and knows that she was present when the paper was signed or she would not have put her jurat on it.

W. Doolittle and J. E. Glendenny, the attesting witnesses, and remembers the execution of the papers in question, and that it was their understanding that it was an application for pension under the act of June 27, 1890.

From the evidence in the case I am satisfied that the claimant had made out in due

form his application, and that Mr. Legg used no fraud nor deception to procure such application. The attesting witnesses in this case are both men of unimpeachable integrity. Mr. Glendenny is a regularly ordained Methodist minister, but is now working at carpenter work on account of the condition of his health. I, therefore, recommend that the papers in this case be returned to the files for adjudication, and that no criminal action is required.

Very respectfully,

C. W. OKEY, *Special Examiner.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 24, 1890.

Mr. C. W. OKEY,
Special Examiner, Topeka, Kansas.

SIR: Find herewith referred to you the papers in the pension claim No. 698427, of Jackson Warren, late of Co. D, 83rd U. S. C. T., together with law-division letter of the 20th instant, with the provisions of which you are directed to comply at the earliest practicable date, making this, and said letter exhibits of your report.

Very respectfully,

GREEN B. RAUM,
Commissioner.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 20th, 1890.

The ACTING CHIEF, S. E. DIVISION:

SIR: I forward you herewith the papers in the pension claim No. 698427, of Jackson Warren, Co. D, 83rd U. S. C. T., together with affidavit of the claimant alleging deception on the part of A. M. Legg, attorney, Topeka, Kansas, in procuring the making of application for pension under act of June 27, 1890. You will please forward this case to a special examiner for investigation in accordance with suggestions contained in letter of this date in the pension case, certificate No. 125201, Van DeMark Smith, relative to the peculiar methods which are said to obtain in the office of Mr. Legg.

Very respectfully,

M. B. BAILEY,
Chief Law Division.

STATE OF KANSAS, *Shawnee County, ss:*

On this 24 day of November, A. D. 1890, personally appeared before me, a notary public in and for the county and State aforesaid, Jackson Warren, aged about 59 years, whose residence and post-office address is 1205 Chandler street, Topeka, Shawnee County, Kansas, who being by me duly sworn on his oath says:

I am the claimant in the pension claim No. 698427 under act of June 27, 1890, and my service in the Army was Co. D, 83d U. S. C. T.

On July 2d 1890, I executed an application for pension under act of June 27, 1890, and appointed R. A. Davisson, of Topeka, Kansas my attorney. I have been in no office where pension claims are filed since July 2, 1890, other than that of A. M. Legg and R. A. Davisson. I was in A. M. Legg's office making some inquiries about my claim under the general law, and he said he would write and call it up. He wrote what I thought was something relating to my claim under the general law and told me to touch the pen, which I did. He did not have me sworn to it, but I now have every reason to believe that the paper I signed was an application under act of June 27, 1890, as I have received notice that I have two such claims on file. If the said A. M. Legg has filed a claim for me under the act of June 27, 1890, he has done so without my knowledge and consent, and has taken advantage of my ignorance of not knowing how to read or write, as I have never at any time given A. M. Legg authority to file such a claim, to my knowledge.

JACKSON (his x mark) WARREN.

Witnessed by:
H. H. HARRIS.
C. W. PENSIL.

Sworn and subscribed to before me this 24 day of November, 1890, and I certify that the foregoing affidavit was read and explained to the affiant in the presence of the two attesting witnesses before he executed the same.

[SEAL.] J. D. CODDINGTON,
Notary Public.

My com. ex. Oct. 14th, 1893.

DEPOSITION. *Case of Jackson Warren, No.* ——.

On this 8th day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Jackson Warren, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: He is about 59 years of age; by occupation, do choring around, cleaning stove pipes, chimneys, &c,; reside No. 1205 Chandler st., Topeka, Kansas.

I am the identical Jackson Warren who served as a pvt. in Co. D, 83 U. S. C. T.

Yes, I have made an application for pension and Legg & Davidson were my attorneys in my first application, and after they dissolved partnership it has been in dispute which of them should have my case, but I have regarded Mr. Davidson as my attorney, and he has got up all the evidence in my claim, except one letter or affidavit from my orderly sergt., Francis Duvell, at Sterling, Kansas, which was sent or secured by Mr. Legg.

Yes, sir; I have filed a claim under the act of June 27, 1890; that claim was filed by Mr. Davidson, of Topeka, Kan., about sometime in July last, but I could not give you the exact date.

No, sir; I have not filed any other claim under the late law except the one filed by Mr. R. A. Davidson.

Have you been in any other claim agent's office and signed any papers during the past summer?

No, sir; none only Mr. Davidson's, but have been in Mr. Legg's office some three or four times to see him about my old original claim.

When in Mr. Legg's office to see about your old claim, have you signed any papers?

No, sir; but I was in his office one time, about two weeks after the passage of the new law, and asked Mr. Legg if he was going to do anything about my old claim, or if he was going to get it through, and he said, "Yes, Jackson; I am going to get your claim through," and took a piece of paper and wrote something on it. I said to him, "Mr. Legg what are you doing that for?" and he said, "Oh, nothing; I am only going to hurry your claim up."

No, sir; he did not ask me to sign anything,

Who were present at the time that occurred?

There was some four or five white men, old comrades; but I did not know any of them.

Do you know J. E. Glendenny or Mr. Doolittle?

No, sir; I don't know either of them.

Was there any lady present in Mr. Legg's office at the time you spoke of Mr. Legg doing that writing?

Yes; Mrs. Roby, who is the head clerk for Mr. Legg, was there, and after Mr. Legg got through writing on the paper she took it and went in the back room.

No, sir; I was not sworn by Miss Roby, but she took the pen and wrote a few lines and then she said to me, "Jackson touch this pen," and I did so; that was all that was done. And every time I would go to see him he would tell me a different story, so that I had lost confidence in him, and for that reason I had determined to hav Mr. Davidson file a claim for me under the new law. So if Mr. Legg ever filed a claim for me under the new law he did so without my knowledge or consent, and that is just as true as that I am sitting in this chair, but I have received two cards from Washington that my claim was on file.

Had you, at the time you spoke of being in Mr. Legg's office, soon after the passage of the new law, already filed your claim under that law through Mr. Davidson?

Yes, sir; I filed my claim with Mr. Davidson, I think, the next day after the passage of the new law.

Are you positive that when Miss Roby asked you to touch the pen when in Mr. Legg's office that you were not sworn by her to the paper you had signed and which you state you supposed related to your old claim?

No, sir; I was not sworn at that time.

Was you ever sworn by Miss Roby?

No, sir.

Did you ever see her swear any person to any paper she had them sign?

No, sir; I never saw her swear any person to any papers, but I have seen her make out papers, but I never seen her have them raise their hand and be sworn the same as you swore me in my life.

Did you know that she was a notary public?

No, sir; I did not; I supposed she was only the head clerk for Mr. Legg.

Were any of the old comrades who you spoke of as being in the office at the time asked to sign that paper that you had just signed?

Yes, sir, there was two of them signed it; I remember that well, but they were strangers to me.

Was there anything said during that interview about making an application for you under the new law?

No, sir, not a word, and I made a remark about it to Capt. Coddington, who is in Mr. Davidson's office. He asked me if I had ever made an application under the new law with any person else, and I told him I had not, and he asked me would I swear to that, and I told him yes I would swear to it.

Did you ever make an affidavit swearing that you had not made such a claim through any other attorney than Mr. Davidson?

No, sir, I never did—yes, I did, too. Yes, I told Mr. Davidson that if Mr. Legg had made any claim for me he had done so without my knowledge or consent, and he made out the affidavit and I swore to it.

Are you positive that at the time you speak of being in Mr. Legg's office and signing a paper soon after the passage of the new law that nothing was said about making a claim for you under that law?

Yes, sir, I am; and I remember well what was said after Miss Roby went out. I asked Mr. Legg what that meant, and he said, "Oh, nothing only just hurrying up your claim."

Did you at that time regard Mr. Legg as having charge of your old claim?

No, sir, I did not, for the reason that my old claim had been rejected on medical examination; but after the claim was rejected I went to Drs. Shelton and Dr. Hibbard, Dr. William, and got their affidavits and took them to Mr. Legg and he filed them in the Pension Office.

Did Mr. Davidson ever file any evidence in your claim after it had been rejected?

No, sir, nothing, only a power of attorney I gave him last winter, and one that I gave Capt. Coddington last spring, but all the evidence I ever filed after the claim was rejected was through Mr. Legg, but right about the time I filed the last evidence I changed my attorney.

Now, if Mr. Legg has asked you when in his office soon after the passage of the new law to file a claim under that law, would you not have allowed him to file such a claim for you?

No, sir, for the reason that I thought he was not going to get my old claim through.

I have fully understood your questions, and you have my answer correct.

JACKSON (his x mark) WARREN
Deponent.

E. D. PROUTY.

Sworn to and subscribed before me this 8th day of Jany., 18—, and I certify that the contents were fully made known to deponent before signing.

C. W OKEY, *Special Examiner.*

DEPOSITION. *Case of Jackson Warren, No.* ——.

On this 22 day of Jan'y, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Miss S. U. Roby, who, being by me first duly sworn to answer truly all interrogatories propounded to her during this special examination of aforesaid pension claim, deposes and says she is 29 years of age; occupation, a clerk; resides, No. 602, 6th st., West Topeka, Kan.

I have been employed in the office of A. M. Legg as a clerk and notary public since the latter part of December, 1888, and take charge of the business in his absence.

Do you know Jackson Warren, late of Co. D, 83 U. S. C. T., and now resident of this city?

Yes, I know him; he came to the office every few days.

Do you remember of his filing a claim under the act of June 27, 1890?

No, I do not.

Do you recognize your signature and seal on the paper which I now hand you, application of Jackson Warren under act of June 27, 1890, dated July 5, 1890, in which A. M. Legg is named as att'y shown.

I do; and I will state that I have made as many as a hundred trips from one room to the other in his case, and have made out many papers in his case, but would not swear that I remember the making of this particular case, but at the time this case was filed we were very busy, and each of those old chronic fellows were clamoring to get their claim in first. Sometimes the room would be full of them waiting to

get the turn to have their papers made out, and we were working just as fast as we could, and could not give each case much attention; and often Mr. Legg was completely surrounded, so that there was not room for the witnesses to get to his desk to sign the paper, and I would take them into another room to be witnessed. It was a perfect jam. Mr. Doolittle and Glendenny are not, and have not been employed in Mr. Legg's office; and I know just as well as I know anything that they were present in the room when that paper was made out and signed. Had such not have been the case, they never would have asked to sign as witnesses. No, of course I can't remember the executor of this paper under the circumstances, but I do know that I was present when it was signed; but can't say whether I administered the oath, or whether Mr. Legg did, but know that if I did do it, it was done in my presence. And am very much surprised to hear that he claims not to have made such an application.

I am not related, and have no interest in the claim, and you have my statement correctly recorded.

S. U. ROBY, *Deponent.*

Sworn to and subscribed before me this 22 day of Jan'y, 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

DEPOSITION. *Case of Jackson Warren, No.* ——.

On this —— day of January, 1891, at ———, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared J. E. Glendening, who, being by me first duly sworn to answer truly all interrogatories propounded to him during this special examination of aforesaid pension claim, deposes and says: He is 54 years of age, by occupation carpenter, resides Oakland, Shawnee Co., Kan.

Are you acquainted with Jackson Warren, of the city of Topeka, Kan.?

I can't say that I am, but remember meeting such a person in the office of A. M. Legg and signing a paper as witness to his signature.

Do you recognize your signature on the paper which I now show you, which is an application of Jackson Warren, Col., under the act of June 27, 1890, dated July 5, 1890?

Yes, sir, I do, and think that is the paper I signed in Mr. Legg's office. I don't remember whether I had ever met the man before or not. No, I do not remember whether he was sworn to the paper, but suppose we were all sworn. Mr. Doolittle signed the same paper that I did.

Do you remember ever to have seen Mr. Legg administer the oath in person, or was that usually done by one of the notaries in his office?

My recollection is that I have seen Mr. Legg administer the oath, but would not be certain as to that.

I have no interest in this matter, and you have my statement correct.

J. E. GLENDENING,
Deponent.

Sworn to and subscribed before me this 26 day of Jan'y, 1891, and I certify that the contents were fully made known to deponent before signing.

——— ———, *Special Examiner.*

DEPOSITION. *Case of Jackson Warren, No.* ——.

On this 12 day of January, 1891, at Topeka, county of Shawnee, State of Kansas, before me, C. W. Okey, a special examiner of the Pension Office, personally appeared Wetmore Doolittle, who, being by me first duly sworn to answer truly all interrogatories propounded to him during his special examination of aforesaid pension claim, deposes and says: I am 67 years of age; by occupation wagonmaker; residence 610 9th st., Topeka, Kan.

Are you personally acquainted with the clt., Jackson Warren?

I am not.

Did you ever sign a paper as witness to the signature, &c., of a colored man in the office of A. M. Legg of this city?

I did.

What was your understanding as to the nature of the paper you signed as a witness?

My understanding was that he was filing an application for pension under the new law?

Did you ever sign as a witness for more than one colored man in Mr. Legg's office?

No, sir; I think not; if I have I don't remember it.

Do you remember whether the paper you witnessed was properly sworn to when you signed it?

My recollection is that it was.

Do you know who administered the oath to the man whose application you witnessed?

Yes, sir; Mr, Legg did.

Are you acquainted with Miss Roby, a clerk in Mr. Legg's office?

I am.

Do you remember whether she was present when that paper was executed?

To the best of my recollection she was not, but I have seen her administer the oath a good many times.

Did you ever see Mr. Legg administer the oath in any other case than this one?

O, yes, a good many times; I should say six or eight. Why, he administered the oath in my own case. I served in Co. B, 64 Regt. In I am now a pensioner under Cert. No. ——, at the Topeka, Kan., agency at $4 per month.

J. E. Glendenning and Wm. R. Oiler, who has now been pensioned, and Mr. Legg swore each of us. I was a witness for both of those men.

I am not related and have no interest in this matter, and you have my statement correct. I will say that I remember the man's name that I signed as a witness for was Jackson Warren, but I could not pick him out if I should meet him on the street.

Could the man have been deceived as to the nature of the paper he signed in Legg's office at that time?

I think not, as the matter was talked over openly, and he knew what he came there for. No, I don't remember that they said anything about his claim under the old law.

W. DOOLITTLE, *Deponent.*

Sworn to and subscribed before me this 12 day of Jany., 1891, and I certify that the contents were fully made known to deponent before signing.

C. W. OKEY, *Special Examiner.*

The matter of the admission of Gen. Raum's statement, which was presented to the committee at a previous meeting, was then brought up and discussed by the members of the committee present, and it was finally decided to defer the final settlement in regard to it until a full meeting of the committee.

Thereupon the committee adjourned subject to the call of the chairman.

WASHINGTON, D. C., *Thursday, June 23, 1892.*

The committee met at 10:30 a. m. Present: The chairman (Hon. H. H. Wheeler), Messrs. Brosius, Little, and Lind, of the committee, and Hon. B. A. Enloe and Hon. L. E. Payson.

STATEMENT OF GREEN B. RAUM.

Mr. Chairman and gentlemen of the committee: In appearing before you I wish to state in the broadest possible manner that I have not shrunk from an investigation of all of my official acts in connection with the Bureau of Pensions. I have not attempted to cover up any official act, nor do I propose to apologize for anything I have done during my administration of the Bureau. I am prepared to justify and defend all of my official acts from the day I took charge of the office in October, 1889, to the present moment.

From October 21, 1889, to the present time there have been issued in the Pension Office over 653,000 pension certificates. I defy any man to point out a single case of this entire number which, through favoritism or partiality on my part, was taken up out of its order or improperly allowed, and I defy anyone to produce a case which was retarded or disallowed because of malice or personal bias on my part against the claimant or anyone representing him. I am willing to be judged by

what I have done, and I propose to lay before you in as succinct form as I can the condition of the office at the time I assumed the duties of Commissioner of Pensions, the various steps taken by me for the improvement of the service, and the ensuing beneficial results.

When I entered upon duty as Commissioner of Pensions, October 21, 1889, I immediately undertook to inform myself as to the organization of the Bureau, the powers and duties devolving upon the principal officers thereof, the jurisdiction of the several divisions and the relations they bore to each other. I also inquired into the methods in force for the prosecution of the public business and ascertained the condition as well as the amount of work actually on hand in the office. Besides this I made an inspection of the Pension Office building, which I found in very bad condition. The roof leaked badly, working destruction to the public records; the plumbing was out of order and the closets in an unsanitary condition; the gas fixtures leaked; nearly all the rooms required kalsomining and painting; some eighty rooms needed new carpets; much of the furniture was broken and in disorder, and the laboring force was assigned to duties other than those of cleaning the house. I took steps to remedy these evils, and at this time the Pension Office is in a sanitary and comfortable condition.

Upon consultation with the deputy commissioners I learned that they had no specific duties assigned by law or regulations.

I became satisfied that, in a bureau with a working force of more than 1,500 persons and involving so many responsibilities and duties, the Commissioner should bring to his aid, to the greatest possible extent, the services of the two deputy commissioners.

For the purpose of making a proper distribution of the labor and responsibilities of the Bureau, on the 4th day of November, 1889, I issued Order No. 145, as follows:

Order No. 145.] DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., November 4, 1889.

For the convenient transaction of the business of the Bureau the following assignment of duties is made:

(1) The First Deputy Commissioner will supervise the business arising in the following-named divisions: Eastern Division, Southern Division, and Army and Navy Survivors' Division.

(2) The Second Deputy Commissioner will supervise the business arising in the following-named divisions: Middle Division, Western Division, and Old War and Navy Division.

(3) All cases involving intricate questions of law or fact will be brought to the personal attention of the Commissioner for his action by the proper deputy commissioner.

(4) All claims involving a large first payment and all claims involving monthly payments of more than $12 shall be brought to the personal attention of the Commissioner by the proper deputy commissioner, in conjunction with the proper heads of divisions.

(5) The chief clerk will have the supervision of the following-named divisions: Record Division, Stationery and Accounts Division, Mail Division; also the force of messengers, laborers, etc.

The chief clerk will also have the general supervision of the business of the Bureau and take care that proper discipline is maintained and that the business is conducted in an orderly and business-like manner, reporting immediately to the Commissioner any neglect, misconduct, or inefficiency of the clerical force.

He will see that a proper and prompt acknowledgment is made of all letters and documents received.

He will also see that claims are taken from the files for consideration in their proper order as to precedence.

He will see that the Pension Bureau building and grounds are put in perfect order and so kept, and to this end he will carefully inspect the force of messengers, laborers, and messenger boys as to their fitness for the work required of them.

(6) The following-named divisions will be under the immediate supervision of the Commissioner: Medical Division, Law Division, Board of Review, Board of Rereview, Special Examination Division, Certificate Division, and Finance Division.

(7) The pending claims now on file in this Bureau constitute so great a mass that it is a physical impossibility to give them all immediate consideration.

I am anxious that the Bureau shall meet the just expectations of claimants and the public in the amount of business transacted and the manner in which the duties are performed. To this end I enjoin upon the entire official force—those on duty here in Washington, those assigned to duty as special examiners, and the boards of medical examiners—promptness, diligence, and fidelity in the performance of every duty.

Recommendations for promotion will be made upon merit. The inefficient will be recommended for retirement.

GREEN B. RAUM,
Commissioner.

This order conferred upon the deputy commissioners the supervision of the work of the adjudicating divisions.

It has been in force two and a half years and its effect upon the business of the office can now properly be judged. The deputy commissioners fully understand the powers which they are to exercise and the duties which they are to perform, both of which are responsible and arduous. They have given directions in more than 60,000 cases, and have done what the law creating these positions actually intended should be done by these officers; they have shared with the Commissioner the responsibilities and labors of the Bureau. Under the provisions of this order the confused practices theretofore existing have been superseded by uniformity of action in the several divisions of the Bureau.

On the morning I assumed charge of the Bureau, I visited the Mail Division, accompanied by the chief clerk. The mail was being assorted and I made inquiries as to the distribution of the different classes of mail matter. I was advised that several thousand letters were received daily from claimants and their attorneys, some of them asking for information and many of them containing complaints of delay in regard to pension claims. I also found that among this vast mail there were many letters received from claimants setting forth conditions of poverty and distress, and that this class of letters, together with all other inquiries, were immediately sent to the cases to which they related without acknowledgment and remained unanswered until the cases were taken up for some action. The chief clerk informed me that this had been the practice for years; that the number of letters received was so great as to render it impracticable to acknowledge them from day to day.

It will be observed in Order 145, just read to the committee, that I directed the chief clerk to see that proper and prompt acknowledgment should be made to all letters and documents received, and in compliance with this order he prepared a card for this purpose and since that time the receipts of all letters have been acknowledged. Some time later I organized a section in the mail division, with an assistant chief in charge, for the consideration and answer of letters which seem to demand immediate attention. This section is now operating under the provisions of the following order, issued for the purpose of relieving the sufferings of indigent claimants as far as possible:

INSTRUCTIONS BY THE COMMISSIONER TO THE MAIL DIVISION FOR THE CONSIDERATION OF URGENT LETTERS.

First. Where a claimant alleges the necessary facts to bring his claim substantially within the provisions of Order No. 151, send the letter to the law division for case to be placed on the completed files.

Second. Where a claimant states his condition to be such as would, if shown by affidavits, authorize it to be made special, send him circular No. 3–052, with the information that if he furnishes the proofs his claim will be made special.

Third. Where the claimant complains of delay, but does not bring his case under Order No. 151, send him a copy of that order, and inform him that if he completes his

case and gives notice under that order it will be placed upon the completed files and be taken up promptly in its turn.

Fourth. If a claimant shows by his letter that the evidence is all in, but that he has not been examined, send the letter to the chief of the proper division, who will examine the papers and order the examination, if it is proper to do so.

Fifth. If a claimant alleges financial distress, but does not state that his claim is complete, send him Order No. 151 and inform him that, if he completes his case at once and gives notice under said order, his claim will be placed on the completed files and taken up and disposed of promptly.

Sixth. If a claimant alleges that his claim is in the completed files or if he inquires what further evidence is needed to complete the claim, and also alleges destitution, the letter should be referred to the chief of the proper adjudicating division, who will see that proper action is taken and the claimant advised.

All letters acted upon under this order shall be properly indorsed in the mail division.

The following quotation from my last annual report will show the labors performed by this section:

For the purpose of giving proper attention to these letters a section was organized in the mail division in November, 1890, with an assistant chief and a suitable number of clerks. As a result of this arrangement 26,091 letters were answered direct by this section, 3,099 were brought to the special attention of the Commissioner, 4,580 were referred to the law division and the cases to which they related placed upon the list of "completed files," and 31,587 were referred to the proper adjudicating divisions for reply.

Upon conferring with the medical referee I became satisfied that the medical division was not properly organized and that it was not strong enough in point of numbers to perform the work required of it, and also that it should be relieved of all duties other than the consideration of medical questions in pension cases. On the 15th of November I directed a reorganization of that division by abolishing the system of having separate sections for the consideration of certain classified diseases, so that now the medical examiners and reviewers are all considering all classes of medical questions involved in the adjudication of pension claims.

I found that the accounts of the Bureau were under the supervision of three different divisions, namely, the finance, medical, and stationery divisons. By my order the work of auditing the various accounts of the Bureau was concentrated in and placed under the supervision of the finance division, which had charge of the financial operations of the several pension agents and the distribution of funds for the payment of pensions, etc., leaving the medical and stationery divisions to perform the duties for which they were originally organized, and the force theretofore engaged upon the consideration of these accounts in the medical division was assigned to clerical work in connection with the adjudication of pending claims in the interest of claimants.

Prior to December 21, 1889, in the consideration of pension claims the questions of law and fact arising therein were considered and passed upon by three different divisions—

First, by the adjudicating divisions, which carried on the correspondence with the claimants and attorneys and made the necessary calls for evidence to complete the case, and when the claims were completed prepared a brief of the facts in the case, which was then submitted.

Secondly, the board of review, where the action of the examiner in the adjudicating division was reviewed and re-reviewed, the opinion of the reviewer and re-reviewer being entered upon the face of the brief, after which the case was—

Thirdly, submitted to the board of re-review for it final action.

It occurred to me that these three courts for the trial of questions of law and evidence in pending claims was not necessary; besides I became

satisfied that the work of the adjudicating divisions would be largely increased, and that this would necessitate an increase in the force of the reviewing boards, which could only be done by a reduction of the force of the adjudicating divisions. I therefore decided to abolish the board of re-review and to reorganize the board of review and on the 21st day of December I issued an order to that effect, the persons constituting the board of re-review being transferred thereby to the other divisions of the Bureau.

I found that there were more than 500,000 pieces of evidence accumulated and unfiled in the several adjudicating divisions, and I gave immediate directions that this accumulation of testimony should be properly filed with the papers to which it related, in order that no unnecessary delay might ensue in the completion of the pending claims. At the present time this work is current, and all papers relating to pension claims received in the office are filed at once.

The work of ordering medical examinations was greatly in arrears, and the number of examining boards entirely insufficient and so widely scattered throughout the United States that claimants were compelled to travel long distances at great expense, in order to submit to the examinations required by law. The work of ordering medical examinations now is practically current. The number of boards of examining surgeons has been increased from 400 to 1,230, to the great convenience of applicants for pension, while the work of ordering medical examinations in pension claims is now practically current. The creation of these boards entailed no additional expense to the Government, and enabled claimants to prosecute their claims without being subjected to an unnecessary expense.

Upon consultation with the chief of the special examination division I found that there were 14,357 claims in charge of his division, and that there were 279 employés then assigned to duty as special examiners in the field and 44 employés assigned to duty in that division in the Bureau, being 323 engaged in the business of making examinations and taking testimony in cases referred to the special examination division. Much complaint had already reached me that there had been two or three years' delay in the examination of many claims which had been sent to the field, and upon looking into this matter I determined to make a special and vigorous effort to have this great number of cases disposed of. Letters were prepared urging special examiners to increased diligence. There was a hearty response on the part of this force, and by July 1, 1890, the number of cases in the field was reduced to 2,270, and the force which had been temporarily increased to 340 persons was reduced to 110, and there was a corresponding reduction in the official force of the special examination division in the Bureau, the result being that, although during the fiscal year 1890 $347,599.88 was disbursed for this service, the appropriation for the present fiscal year is but $215,000, and it is probable that the entire appropriation will not be expended, so that the expense for this branch of this service will be at least $135,000 less than it was last year, and during the period from the time I took charge of the Bureau to May 30, 1892, 43,085 claims had been examined and reported upon.

I found that the power of reopening claims was exercised by chiefs of divisions upon the recommendations of the examiners, without submitting the cases to the commissioners or the deputies for their action. As I had assigned the duty of superintending the work of the adjudicating divisions to the deputy commissioners, I thought it proper that no

claim should be reopened without their approval, and, therefore, on the 25th of November, 1889, I issued Order No. 148, as follows:

Order No. 148.] WASHINGTON, D. C., *November 25, 1889.*

(1) Great care must be exercised in the rejection of applications for pension. No case should be rejected until every available source of information has been examined, unless the rejection be clearly upon legal points.

All letters rejecting claims shall be brought to the desk of the Commissioner for signature.

(2) No rejected claims will be reopened, except upon new and material evidence going to the cause of rejection.

The deputy commissioners will have jurisdiction to reopen claims in the divisions respectively assigned to their charge.

In all cases where evidence is filed for the reopening of cases, the heads of adjudicating divisions will, at the proper time, cause to be prepared a brief statement of the facts on slips for the action of the deputy commissioner, who shall note his action thereon, whereupon the claimant shall be immediately informed by letter of the action of the Office.

GREEN B. RAUM,
Commissioner.

HANDLING OF THE FILES.

I made a careful inquiry into the manner of handling the files of pending claims in the office.

About eighty clerks were engaged in connection with this work. There was no arrangement whatever to keep the run of completed cases, nor to have such cases taken up in any order of precedence. It was the rule to take up claims in the order in which they were filed and make calls upon the War Department for reports showing the military and medical history of claimant, and in invalid claims to order medical examination. When the reports in response to these calls had been filed with the claim and they were again reached in their order by the examiners in charge, calls were made upon the claimants or their attorneys for the evidence necessary to complete them and they were returned to the files, where they remained an indefinite period unless called up by letter or on the application of some piece of evidence to the claim. If the claimant or attorney failed to respond to the calls for evidence or the evidence failed to reach the case, it would remain in the files for years without receiving any attention, and if the examiner having it in charge died, or was dismissed or transferred, the claim would lose its place and might remain in the files many months after it was complete without receiving any attention.

I also found that claimants had no power, under the rules of the Bureau, to bring their claims to trial, notwithstanding in their opinion they were complete.

Inquiring further into the matter of the adjudication of claims I learned that there were thousands of cases, of many years standing, which the claimants had been unable to have called up and disposed of. Serious complaints were made to me by Senators, members of Congress, and other prominent citizens, in person and by letter, that thousands of men who had served gallantly in the Army were so disabled that they were unable to earn a support; that many of them were in insane asylums; others were blind; others suffering from paralysis and rheumatism, and many thousands of them in almshouses in different parts of the country, while their claims were pending in the Pension Office; and these distressed claimants were unable to bring them to trial. I became satisfied that it was just and proper that there should be a rule established under the provision of which a claimant should have the right to

announce that he was ready for trial, and that his claim should then be taken up and disposed of in the order of its completion.

I regarded this matter of such serious concern that I brought it to the attention of the Secretary and his Assistant Secretary, General Bussey (who had supervision of the Bureau of Pensions), and they both agreed with me that a proper remedy should be applied to correct these evils, and after carefully considering this question I prepared and issued two orders, Nos. 149 and 151, respectively, which orders received the approval both of the Secretary and Assistant Secretary Bussey before they were promulgated. Order No. 149 was issued December 23, 1889, and is as follows:

Order No. 149.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., December 23, 1889.

The files of pending claims in each division shall at once be examined, counted, and proper account taken of the same.

Where a claim, upon inspection of the jacket and testimony strapped to the case, seems to be complete, a proper record shall be made of the claim on a card prepared for that purpose, and the case shall be kept upon a list known as the "completed files," and these cases shall be considered in the order of the filing of the last piece of evidence.

Upon examination of these cases, if it is found that another call for evidence is required, such call shall be made, and the case returned to the files of pending cases to await the reply to the call. When the evidence in response to that call is furnished, the claim shall at once be restored to the list of "completed files" and the claimant notified.

Placing a claim on the list of "completed files" shall not be considered as a favorable adjudication of the claim. This arrangement is intended simply to secure the consideration of the claims which are apparently completed, at the earliest possible date. The "completed files" shall also be arranged so as to separate the original cases from the increase cases.

Hereafter all calls for evidence shall be made upon blanks which shall indicate by number the nature of the call, and a record of such call shall be made upon a card, opposite the number on the card corresponding with the number of the call in the blank.

Claimants and their attorneys are urgently requested to prepare their evidence in response to these calls according to the number, and to indorse on the back of the evidence "Reply to call No. ——, ——, 18—."

These "calls for evidence" cards shall be strapped to the case, and as the evidence in reply to the call is received the file clerk shall immediately record the date of the receipt of the evidence at the proper number of the call, and this new evidence shall be strapped to the case.

When the last evidence called for is received and a record thereof made on the card, the case shall at once be entered on the list of "completed files" in its proper order and the claimant notified.

All answers to applications for status of cases on the list of "completed files" shall be upon a blank informing the applicant that the case is pending in the "completed files."

Hereafter the order of procedure in original cases shall be as follows:

(1) The mail division shall deliver all applications for pension to the record division on the day received.

(2) The record division shall promptly make a record of the case, give it a number, and acknowledge the receipt of it, and refer it to the proper division.

(3) A call shall be made upon the Secretary of War for a report of the military service and hospital record of the claimant.

(4) An order for the medical examination of the claimant shall be made, and a call shall be made upon the claimant for such evidence as seems necessary to complete the case upon blanks which shall habitually use the same number for the same call. A proper record card shall be made for the case and the case put upon the files of pending claims. When the last piece of evidence called for has been received and a record made of the same upon the card, the case shall be placed upon the list of "completed files" to be considered in its order.

Chiefs of divisions shall require examiners to devote their entire time during five days of the week to the consideration of cases borne upon the list of "completed files."

On Saturday of each week the entire force of examiners shall devote themselves to the examination of cases borne upon the pending files and in the preparation of the necessary calls for evidence in those cases. On Friday afternoon of each week the file clerks shall withdraw from the pending files fifteen cases for each examiner, and have them placed upon the desks of the examiners before 4 o'clock on Friday afternoon.

GREEN B. RAUM,
Commissioner.

You will observe that this order required that the pending claims in the adjudicating divisions should be examined, counted, and a proper account taken of the same. It also required that if, upon an inspection of the jacket and testimony strapped to the case, the claim seemed to be complete, it should be placed upon what is known as the "completed files," to be considered "in the order of the filing of the last piece of evidence." Upon going over the files over 35,240 cases were selected by the chiefs of divisions and their examiners as completed claims. A "completed files card," such as I present to you, was prepared in each case, showing the date of the filing of the last piece of evidence, and these cards were arranged so that the cases could be drawn for adjudication in the order of the filing of the last piece of evidence. The claimants were then notified of this action of the Bureau, and when this work was finished Order No. 151, dated January 6, 1890, was issued, and which is as follows:

Order No. 151.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., January 6, 1890.

Claimants are hereby authorized to apply to the Commissioner of Pensions to have their claims placed upon the list of "completed files" for immediate consideration.

Such applications may be made by the claimants or their attorneys of record, and shall set forth:

(1) That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of his disability in, and his discharge from, the service.

(2) That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

(3) That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service, and establishes the fact of disability during any past pensionable period.

(4) That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

(5) That, in the opinion of the claimant, the claim is fully made out and complete.

In the claims of widows it must be alleged that proof has been made showing that the soldier died of an injury or disease contracted in the service, and that claimant is the soldier's widow.

In the case of dependent relatives it must be stated that the proper proof of dependence has been filed in the claim and that the soldier left no widow or minor children.

If the application is made by the attorney of record, in addition to the other statements required he shall certify upon honor that, after a careful consideration of the case, he is of the opinion that the case is complete.

Claims placed upon the list of "completed files" under this order will be considered in the order of the date they are so placed.

This order does not apply to rejected cases.

GREEN B. RAUM,
Commissioner.

This order was prepared as a remedy for what I conceived to be a great wrong and manifest injustice in not permitting a claimant to bring his case to trial when it was complete.

These two orders established the "trial docket" of the Bureau, which is based upon the plain principle that each case shall be taken

up and disposed of in the order in which it is completed. Under the operation of these orders there are two methods by which a claim may be placed upon the "completed files:" First, by the action of the file clerk upon the receipt of the necessary evidence completing a claim, and second, by the action of the claimant or his attorney in giving notice that he has filed the necessary evidence to complete the claim.

The great majority of the cases are placed upon the "completed files" by the action of the office. Experience has shown that about 50 per cent of the cases which claimants and attorneys request to be placed upon the "completed files" by reason of their completion have already been placed upon these files by the office.

Realizing that it must happen that many cases are necessarily longer delayed in securing the evidence required to establish their claims, and that it would be unjust to require a meritorious claim which has been proven to remain unadjusted because an incompleted claim filed earlier stood in the way, I devised what is known as the "completed files," and issued the order above mentioned to carry it into effect.

When evidence is transmitted by a claimant it is immediately filed with his case, and if it completes the claim a card representing the case is prepared by the file clerk, who enters thereon the date of the filing of the last piece of evidence, and this card is placed in a file case with others in order of the date of the entry thereon as to the filing of the last piece of evidence, and the case is thus placed upon the "completed files," and when this card is reached in its order the claim which it represents is drawn from the files for final action.

Under this system also as soon as a claimant completes his claim he or his attorney can certify to that fact and have the claim placed upon the "completed files" as of the date of the certification to that effect.

These applications of claimants and attorneys are acted upon in the law division, and when found in form are approved and the case is placed upon the "completed files" in the manner above described. This is an orderly and just method of procedure. It gives to the claimant the right, upon completing his case, to have it disposed of in the order of the date of its completion.

The principle, therefore, which prevails in this office in the handling of the files is, that for the purpose of making calls upon the War Department for the military and medical history of claimants, for ordering medical examinations, and for making calls upon the claimant for evidence to complete his case, all claims are taken up in the order in which they are filed, and that in the final adjudication of claims they are taken up in the order in which they are completed.

With at least two years of work on original cases now on hand in the Pension Office there should be a fixed rule for taking cases up for trial, and no more equitable rule can be devised than one requiring that they shall be taken up for action in the order of their completion. Prior to the establishment of this system the complaint was almost universal that thousands of claims were pending in the office the consideration of which had been neglected for years. A soldier who had served his country faithfully at the front had a right to file an application for pension and to present all the evidence necessary to prove his claim, but he had no power to bring that claim before an adjudicating division upon his own motion, although completed, the drawing of his claim for that purpose being in the discretion of a file clerk and no matter how diligent the file clerk might be it was impossible for him to have such a knowledge of the condition of the vast number of claims in the division in which he was employed as to enable him to select the cases which

should have precedence in adjudication because of their priority of completion. These orders created a perfect system, and I venture to state that no man of ordinary judgment and with an unbiased mind can examine the workings of these orders in the Pension Office without reaching the conclusion that the system is the best that can be adopted.

If cases are taken up for adjudication in the order of their completion favoritism is impossible, and I repeat that from the date of these orders down to the present time there has been no favoritism in the drawing of claims from the files or in their adjudication.

It may be contended that claims should be disposed of in the order in which they are filed. No such rule has ever obtained in any court, and no such rule has ever been adopted in any of the executive branches of the Government in regard to the adjustment of claims. What would be said of a judge if he should announce to litigants and their attorneys that the cases on his docket should be tried in the order in which they were instituted, and not in the order in which they were ready for trial? If it were so an indifferent and slothful claimant could retard the adjudication of the claims of energetic and deserving claimants whose declarations were filed at a subsequent date. The true rule is to dispose of the claims in the order of their completion.

It will be observed that Order No. 149 directs that the chiefs of divisions shall require examiners to devote their entire time during five days of each week to the consideration of cases upon the "completed files." The object of this order was to secure the undivided and unremitting attention of the entire force of examiners to the adjudicating of claims, the objective point of all the labors of the Bureau being to finally dispose of pending cases.

This committee will be better able to judge of the effect of these orders upon the business of the Bureau when I inform them that from October 20, 1888, to June 30, 1889, there were 98,338 certificates issued, while from October 20, 1889, to June 30, 1890, there were 120,418 certificates issued, being an increase in the work during the first eight months of my administration as compared with the corresponding eight months of the previous fiscal year of 23,080 certificates.

I now propose to explain to this committee the changes which were made in the then existing forms of the Office to adapt them to the "completed files" system, and the additional forms or cards that were prepared to carry the system into effect.

I exhibit for your examination eight forms which I found in use for the purpose of making calls upon the claimant for evidence in his case, upon the War Department for the military and medical history of the claimant, and for ordering medical examinations. It will be observed that the first form contains five calls, numbered serially from 1 to 5, inclusive; that some of the papers have no numbers whatever, and that others containing calls are each numbered 1, 2, 3, etc., so that there were no serial numbers running through the calls.

I also exhibit for your examination the new forms as amended by me and now used by this office.

——— Div. (3—077.) Invalid.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ———, *189—.*

SIR: In every claim to invalid pension it is necessary that the following information should be furnished by the claimant, if it does not appear in his declaration:

Call No. 1.—He should state under oath the nature and locality of the wound or injury, or the name or nature of the disease for which pension is claimed.

Call No. 2.—He should state under oath *when* and *where* the alleged wound or injury was received, or the disease contracted, and the *circumstances* of the origin of each.

Call No. 3.—He should state under oath whether he has been in the military or naval service since ———, 18—, and give the name and number of each company and regiment to which he belonged while in the service.

Call No. 4.—He should state without oath the names or numbers and the localities of *all hospitals* (whether regimental, brigade, division, corps, post, or general hospital) in which he was treated while in the service, giving, as nearly as possible, the dates of treatment in each. If he was not treated in the service he should state that fact.

Call No. 5.—His post-office address (and in cities the street and number of his residence) should be stated without oath.

In the claim No. ———, of Mr. ——— ———, the information indicated by Call No. ——— has not been furnished and should be supplied ——— ———.

N. B.—Please have number of claim and name and service of soldier put on back of evidence filed, and also say in reply to Call No. ——.

Very respectfully,

GREEN B. RAUM,
Commissioner.

——— ———,
——— ———,
——— ———.

Write nothing above this line.

(3—060.)

——— Div.
——— Ex'r.
No. ———

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ———, *18—.*

SIR. It is alleged that ——— ———, enlisted ———, 18—, and served as a ——— in Co. —, ——— Reg't ——— ———, also as a ——— in Co. ——, ——— Reg't ——— ———, and was discharged at ——— ———, ———, 18—.

It is also alleged that while on duty at ——— ———, on or about ———, 18—, he was disabled by ——— ———, and was treated in hospitals of which the names, locations, and dates of treatment are as follows:

In case of the above-named soldier the War Department is requested to furnish an official statement of the enrollment, discharge, and record of service so far as the same may be applicable to the foregoing allegation, together with full medical history. Please give the rank he held at the time he is claimed to have incurred the disability alleged, and if records show that he was not in line of duty during that period, let the fact be stated.

Very respectfully,

——— ———,
Commissioner.

The officer in charge of the Record and Pension Division, War Department.

Write nothing to the left of this line.

(3—060.)

No. ———.

WAR DEPARTMENT,
RECORD AND PENSION DIVISION.

Respectfully returned to the Commissioner of Pensions.

——— ——— Co. ——, Reg't ——— was enrolled ———, 186—, and ———, 186—.

From ———, 186—, to ———, 186—, he held the rank of ——— ———, and during that period the rolls show him present except as follows:

The medical records show him treated as follows:

By authority of the Secretary of War:

——— ———,
Captain and Ass't Surgeon, U. S. A.

Per
Date ———.
(Commissioner of Pensions.)

Call No. 7.

—— — Division (3-091.) No ——.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——, *189—*.

SIR: You are hereby directed to report yourself for medical examination to the *board of examining surgeons* —— ——, (St. and No.) —— ——, Town ——, County ——, State ——, within three months from date hereof.

The board meets at —— o'clock —— Wednesday in each month.

Return this slip with the date of the examination indorsed hereon by the secretary of the board making the same.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Claimant: —— ——. P. O.—— ——.
Attorney: —— ——. P. O. —— ——.

Examination made by the board this —— day of ——, 189—.

—— ——,
Secretary.

Circular call No. 7.

(3—100.)

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., —— *189—*.

Mr. —— ——, late a ——, Co. ——, —— Regiment ——, an applicant for ——, invalid pension, No. ——, on account of disability from —— ——, has been directed to report himself to you.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Dr. —— ——, Co. ——.

N. B.—Read the inside of this circular before examining a claimant.

(EXAMINING SURGEON'S VOUCHER.)

(3—100.)

To the Examining Surgeon:

The claimant named on the outside of this circular has been directed to report himself to you for examination within three months of the date hereof, when the validity of the order will cease.

Should he present himself please examine him and make your report to this Bureau at once, in accordance with the instructions of the pamphlet already transmitted to you.

A particular description of the disability as it now exists, and a separate rating where more than one cause is found, must be given; and it must be clearly set forth in what form or manner, and from what probable causes an increased disability, if any, has resulted.

You will use the following distinctive terms to designate the degrees of disability, viz:

1. Claimants so disabled as to "require the regular presence, aid, and attendance of another person" are entitled to a *First Grade* rating.

2. Those so disabled as to be unfitted for "the performance of any manual labor," to *Second Grade.*

3. Those who suffer a disability "equivalent" to the loss of a hand or foot, to *Third Grade.*

4. The surgeon should certify to the fact, only, in each of the following disabilities: The loss of a hand or foot; of both hands or feet; of sight of both eyes; of one eye, the sight of the other having been previously lost; of arm *at* or above elbow; of leg *at* or above knee; of leg by amputation at hip joint; of arm by amputation at shoulder joint; of hearing of both ears so that subject is compelled to use artificial aid.

5. When claimant is totally and permanently disabled in both a hand and a foot the surgeon should certify to the fact and explain *why* it is he is so disabled,

6. When disability falls below above-named grades the ground of comparison should be anchylosis of wrist or ankle, and disabilities should be rated accordingly.

7. When disability is *greater* than that caused by anchylosis of wrist or ankle joint, and *less* than that caused by loss of hand or foot, the latter disability is taken as a basis of comparison.

8. The *Third* is the only grade subject to fractional divisions.

9. The lowest degree of disability pensionable is ¼.

The surgeon may inform the claimant of the result of the examination, as to whether or not, in his judgment, there is any pensionable disability, BUT IN NO CASE SHOULD HE COMMUNICATE HIS OPINION TOUCHING THE DEGREE OF DISABILITY; THAT IS TO SAY, THE SURGEON MUST NOT STATE HIS RATING TO THE CLAIMANT.

NOTICE.—This circular *must be returned to this Bureau with your certificate of examination,* accompanied by your daily account, or in the event of the person named in it failing to report within the specified time, return it indorsed as follows: "Claimant failed to appear within the specified time."

—— Division. (3—078.) State:

—— Examiner. Invalid. —— ——

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
—— ——, 189—.

SIR: In the claim for —— invalid pension No. ——, of —— ——, the testimony indicated in paragraph No. —— should be furnished.

Circular Call No. 8.—The affidavit of a COMMISSIONED OFFICER, first sergeant, or one or more enlisted men of claimant's company, setting forth when, where, and under what circumstances the alleged —— —— *only in exceptional cases, when good reasons are shown for inability to furnish testimony of members of the claimant's own company, will affidavits of members of other companies be accepted.*

Circular Call No. 9.—The affidavit of the surgeon, or assistant surgeon, of claimant's regiment as to treatment for —— —— while in the service. It is desirable that the description of the disability should be, as far as practicable, in the handwriting of the surgeon —— ——.

☞ *If claimant is unable to furnish any part of the testimony indicated, he should state the facts and reasons under oath.*

☞ Each witness must state his post-office address and means of knowing the facts to which he testifies.

☞ All erasures and interlineations in testimony must be certified to by the officer before whom the affidavit is executed—who may be any person authorized to administer oaths, his official character and signature being certified to under the seal of the proper officer.

This circular should be returned with your reply, and have evidence properly filed and state "in reply to Call 8," or 9, as may be.

Very respectfully,

GREEN B. RAUM,
Commissioner.

—— ——
—— ——,
—— ——.

Call No. 10.

(3-061.)

—— Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
——— ———, 18—.

Respectfully requested of the Adjutant-General U. S. A., a report from the records of his office as to the presence or absence, on or about ———, 18—, of ——— ——— of ——— ———, and the station at that date of the ——— ———.

Claim No. ——.

———— ————,
Commissioner.

———— Div. (3—474.) State:

—— Ex'r. Invalid.—Continuance of disability. ——— ——.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ———, *189—.*

SIR: In the claim for ——— pension No. ——, of ——— ———, of Co. ——, ——— Reg't ———, the testimony indicated in paragraph No. —— should be furnished—

Circular Call No. 11.—The testimony of physicians who have attended him since the date of his discharge from the service, showing the history and degree of the disability from alleged ——— ——— during each year, the dates and duration of all treatment administered, and a full description of the disability in all its phases.

It is especially important that the physician who first attended the claimant after his discharge from the service should state the date at which his attendance commenced and his condition at that time, especially, if he then suffered from ——— ———.

(The affidavit should be, as far as practicable, in the language and handwriting of the physician.)

Circular Call No. 12.—If the claimant can not furnish the *medical testimony* indicated in preceding call, he should state the fact and reasons under oath, and there should be furnished that of persons by whom he was employed, fellow workmen, or neighbors, showing what his physical condition was at the date of their first acquaintance, and what it has been each year since to the present time, and especially to what extent he has been incapacitated for obtaining subsistance by manual labor in consequence of ——— ———.

The statement of the witnesses in regard to the manner in which the claimant was affected should be full and definite, and relate especially the symptoms observed, in order that the medical officer may be enabled from such description of symptoms to determine the nature and character of the disability; and they should show how they obtained a knowledge of the facts to which they testify.

☞ *Each witness should state his post-office address.*

☞ The credibility of witnesses and all erasures and interlineations in testimony must be certified to by the officer before whom the affidavit is executed, who may be any person authorized to administer oaths, his official character and signature being certified to under the seal of the proper officer.

This circular should be returned with your reply, and have evidence properly filed and state "in reply to call 11," or 12, as may be.

Very respectfully,

GREEN B. RAUM,
Commissioner.

———— ———,
———— ————,
———— ————.

——Division. (3-079.) Call No. 13.

CALL FOR HISTORY OF CLAIMANT'S DISABILITY.

DEPARTMEMT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ———, *189—.*

SIR: In the claim for Invalid Pension No. ——, of ——— ———, the claimant is requested to state his place or several places of residence (actual post-office addresses in cities, the names of streets and numbers), and what his occupation has been during the period of his discharge to the present time, giving approximately the dates of any changes in his residence. He should also give a full and circumstantial history of the origin of his disability, and its continuance from the time when it first appeared, mentioning all medical treatment which he has received, and the names and residences of his physicians, and which, if any of them, are deceased. He should also state whether at any time and for what period or periods, giving dates as nearly as possible, he has been prevented from following his usual occupation by reason of the alleged disability.

Until the foregoing shall have been furnished, further action can not be intelligently taken in this claim, and a prompt reply will facilitate its early settlement.

N. B.—Please have number of claim and name and service of soldier put on back of evidence filed, and also say in reply to Call No. 13.

Very respectfully,

GREEN B. RAUM,
Commissioner.

——— ———,
——— ———,
——— ———,

You will observe that the various calls for evidence, orders, etc., contained in these forms are numbered serially from one to thirteen.

Each call therefore has habitually the same number, and it has become known as Call No. 1, Call No. 2, Call No. 3, etc., in the office. At the foot of these calls the request is made that an indorsement should be placed upon the answer, giving the number of the call the evidence purports to answer. I also had three cards prepared to be used in this system, which I will produce for your examination. The first card, known as the Call for Evidence Card, you will observe is prepared with the necessary blanks for a description of the claim in which it is to be used and an arrangement with numbers from one to thirteen corresponding with the calls upon the blanks which I have just shown you, and on the margin of this card is shown the office number of the blank to which these numbers refer and which contains a space for entering the date upon which the call is made, and below it is another space for the entry of the date when the answer is filed.

These "Calls for Evidence Cards" are strapped to the outside of the claims, and proper entries are made upon them by the examiner when they make calls upon claimants for evidence or issue orders for medical examinations, etc.

After these calls are made the case is then sent to the files and is in charge of the file clerks. When the evidence is received in the office it is sent from the mail division direct to the chief of the files of the proper adjudicating division. When this evidence is received by the file clerk it is his duty to draw the claim from the files, and he is required to examine the "call for evidence card" and compare the entries thereon with the evidence received to ascertain whether the calls made upon the claimant have been answered, and to enter opposite the proper number of the call the date on which the evidence answering that call is filed. When the last piece of evidence required to answer the calls entered upon the card is received, and an entry made of the date when it was so received, the claim is then entitled to be placed upon the

"completed files," and it becomes the duty of the file clerk to take the green card, which I now exhibit, headed "Completed Files," for the purpose of making a proper record on this card of the number of the case, the name of the claimant, the company, and regiment, and to note, under the printed words on the card "Last Evidence Filed," the date upon which the last evidence called for to complete the case was filed in the Bureau, and this card is then placed in a box in the order of the date of the filing of the last piece of evidence.

Upon the small card entitled "Completed Files" the number of the case is entered and this small card is slipped under the rubber band of the claim as a mark that the case is on the "completed files," as I now illustrate it. The claim is then returned to the file case from whence it was taken, to remain until the "completed file" card which represents it is drawn from the box, when the file clerk, with this card in his hand, goes to the file case and removes the case from the files, leaving a card to represent the case in its stead, with the name of the examiner to whom the claim is sent and the date that it is drawn from the files endorsed thereon.

This is the method by which more than three-fourths of all the cases adjudicated in the Pension Office are placed upon the "completed files." The balance of the cases placed upon these files for adjudication is at the request of the claimant or his attorney by making an application to the Commissioner of Pensions in the form I here present, upon which is noted the name of the claimant, with the company and regiment, and which contains the signature of the claimant or his attorney:

No. 1.

ORIGINAL CLAIM—OLD LAW.

——— ·· ——, 189—.

Hon. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the *invalid* claim described below be placed upon the list of *completed files*.

No. of claim, ———; No. of certificate, ———; Nature of claim [additional increase or restoration;] Co. ——, ——— Reg't, ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

3. That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service, and establishes the fact of disability during any past pensionable period.

4. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

I certify upon honor that after a careful consideration of the case I am of the opinion that the case is *complete*.

Very respectfully,

——— ———.

When these applications are received by the mail division they are immediately sent to the law division, where they are examined as to form, and if found correct they are properly stamped, indicating that the case is to be placed upon the "completed files." These applications are then transmitted to the chief of the files of the proper adjudicating division. The file clerks draw the cases to which these applications relate and strap the applications to the outside of the claims, together with a small card entitled "Completed Files," and then take

one of the green cards above alluded to, enter the number of the claim upon it, the name of the claimant, his company and regiment, and under the words "last evidence filed" enter the date of the receipt of the application, requesting that the claim be placed upon the "completed files," whereupon this card is immediately placed in the proper box for its reception and the claim is placed in the file case and remains there until the "completed files card" is drawn from the files in its proper order, when the case is taken from the files and delivered to an examiner, the name of the examiner receiving the case and the date the same is withdrawn from the files being entered upon the "completed files card."

The only variation from this rule has been where cases were drawn from the files upon the calls for status of members of Congress and were placed in the hands of examiners to make replies to these calls. Under these circumstances cases found complete were briefed and sent forward for adjudication out of their turn. This, however, has been stopped by a recent order issued by me under date of the 27th of February, 1892.

I affirm that this system of keeping the files of the Bureau of Pensions and of drawing the claims for adjudication is as perfect a system as can be devised. It is simple in its operation, in this, that the claims are drawn from the files for adjudication in the order of their completion, which is absolutely just and should not be varied, except in cases of emergency, as now provided by the order of the Department where claimants are sick and in danger of immediate death, or are unable to perform manual labor and are living upon charity.

I had no motive whatever in preparing and issuing my orders Nos. 149 and 151, except to promote the efficiency of the service and for the public good; no object or intention that directly or indirectly any attorney should have any preference in the consideration of his case, or be treated in any way different from any other attorney whose case was in like condition in the Bureau. Nor has there been to my knowledge any preference or partiality to any attorney practicing in the Pension Office by myself or by any subordinate.

No notice was given to any attorney directly or indirectly of the issuance of these orders in advance of their adoption.

I had no conference in any way with Mr. George E. Lemon about them, nor any communication with him on the subject of the method of the adjudication of claims, except the letter of November 16, 1889, and the communication referred to in it; none whatever since that date.

The "completed files" system as applied to the Pension Office is my own and has been administered, so far as I know, with absolute impartially and without favor to any.

STATISTICAL CARD.

It is proper for me to state that I encountered great difficulty in dealing with pension questions because of the total absence of proper statistics in the Bureau touching upon the subject of the ages of pensioners at the date of enlistment, at the date of the commencement of pension, and at the date of their death, and also of the value of pension certificates issued from day to day. To obviate this I invented what is known as the "statistical card," upon which is recorded all the material facts of each pension claim, giving the age of the claimant at the date of his enlistment, the length of service in months, his age at date of pensioning, and also a record of the rate of pension granted

On Saturday of each week the entire force of examiners shall devote themselves to the examination of cases borne upon the pending files and in the preparation of the necessary calls for evidence in those cases. On Friday afternoon of each week the file clerks shall withdraw from the pending files fifteen cases for each examiner, and have them placed upon the desks of the examiners before 4 o'clock on Friday afternoon.

GREEN B. RAUM,
Commissioner.

You will observe that this order required that the pending claims in the adjudicating divisions should be examined, counted, and a proper account taken of the same. It also required that if, upon an inspection of the jacket and testimony strapped to the case, the claim seemed to be complete, it should be placed upon what is known as the "completed files," to be considered "in the order of the filing of the last piece of evidence." Upon going over the files over 35,240 cases were selected by the chiefs of divisions and their examiners as completed claims. A "completed files card," such as I present to you, was prepared in each case, showing the date of the filing of the last piece of evidence, and these cards were arranged so that the cases could be drawn for adjudication in the order of the filing of the last piece of evidence. The claimants were then notified of this action of the Bureau, and when this work was finished Order No. 151, dated January 6, 1890, was issued, and which is as follows:

Order No. 151.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., January 6, 1890.

Claimants are hereby authorized to apply to the Commissioner of Pensions to have their claims placed upon the list of "completed files" for immediate consideration.

Such applications may be made by the claimants or their attorneys of record, and shall set forth:

(1) That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of his disability in, and his discharge from, the service.

(2) That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

(3) That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service, and establishes the fact of disability during any past pensionable period.

(4) That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

(5) That, in the opinion of the claimant, the claim is fully made out and complete.

In the claims of widows it must be alleged that proof has been made showing that the soldier died of an injury or disease contracted in the service, and that claimant is the soldier's widow.

In the case of dependent relatives it must be stated that the proper proof of dependence has been filed in the claim and that the soldier left no widow or minor children.

If the application is made by the attorney of record, in addition to the other statements required he shall certify upon honor that, after a careful consideration of the case, he is of the opinion that the case is complete.

Claims placed upon the list of "completed files" under this order will be considered in the order of the date they are so placed.

This order does not apply to rejected cases.

GREEN B. RAUM,
Commissioner.

This order was prepared as a remedy for what I conceived to be a great wrong and manifest injustice in not permitting a claimant to bring his case to trial when it was complete.

These two orders established the "trial docket" of the Bureau, which is based upon the plain principle that each case shall be taken

up and disposed of in the order in which it is completed. Under the operation of these orders there are two methods by which a claim may be placed upon the "completed files:" First, by the action of the file clerk upon the receipt of the necessary evidence completing a claim, and second, by the action of the claimant or his attorney in giving notice that he has filed the necessary evidence to complete the claim.

The great majority of the cases are placed upon the "completed files" by the action of the office. Experience has shown that about 50 per cent of the cases which claimants and attorneys request to be placed upon the "completed files" by reason of their completion have already been placed upon these files by the office.

Realizing that it must happen that many cases are necessarily longer delayed in securing the evidence required to establish their claims, and that it would be unjust to require a meritorious claim which has been proven to remain unadjusted because an incompleted claim filed earlier stood in the way, I devised what is known as the "completed files," and issued the order above mentioned to carry it into effect.

When evidence is transmitted by a claimant it is immediately filed with his case, and if it completes the claim a card representing the case is prepared by the file clerk, who enters thereon the date of the filing of the last piece of evidence, and this card is placed in a file case with others in order of the date of the entry thereon as to the filing of the last piece of evidence, and the case is thus placed upon the "completed files," and when this card is reached in its order the claim which it represents is drawn from the files for final action.

Under this system also as soon as a claimant completes his claim he or his attorney can certify to that fact and have the claim placed upon the "completed files" as of the date of the certification to that effect.

These applications of claimants and attorneys are acted upon in the law division, and when found in form are approved and the case is placed upon the "completed files" in the manner above described. This is an orderly and just method of procedure. It gives to the claimant the right, upon completing his case, to have it disposed of in the order of the date of its completion.

The principle, therefore, which prevails in this office in the handling of the files is, that for the purpose of making calls upon the War Department for the military and medical history of claimants, for ordering medical examinations, and for making calls upon the claimant for evidence to complete his case, all claims are taken up in the order in which they are filed, and that in the final adjudication of claims they are taken up in the order in which they are completed.

With at least two years of work on original cases now on hand in the Pension Office there should be a fixed rule for taking cases up for trial, and no more equitable rule can be devised than one requiring that they shall be taken up for action in the order of their completion. Prior to the establishment of this system the complaint was almost universal that thousands of claims were pending in the office the consideration of which had been neglected for years. A soldier who had served his country faithfully at the front had a right to file an application for pension and to present all the evidence necessary to prove his claim, but he had no power to bring that claim before an adjudicating division upon his own motion, although completed, the drawing of his claim for that purpose being in the discretion of a file clerk and no matter how diligent the file clerk might be it was impossible for him to have such a knowledge of the condition of the vast number of claims in the division in which he was employed as to enable him to select the cases which

should have precedence in adjudication because of their priority of completion. These orders created a perfect system, and I venture to state that no man of ordinary judgment and with an unbiased mind can examine the workings of these orders in the Pension Office without reaching the conclusion that the system is the best that can be adopted.

If cases are taken up for adjudication in the order of their completion favoritism is impossible, and I repeat that from the date of these orders down to the present time there has been no favoritism in the drawing of claims from the files or in their adjudication.

It may be contended that claims should be disposed of in the order in which they are filed. No such rule has ever obtained in any court, and no such rule has ever been adopted in any of the executive branches of the Government in regard to the adjustment of claims. What would be said of a judge if he should announce to litigants and their attorneys that the cases on his docket should be tried in the order in which they were instituted, and not in the order in which they were ready for trial? If it were so an indifferent and slothful claimant could retard the adjudication of the claims of energetic and deserving claimants whose declarations were filed at a subsequent date. The true rule is to dispose of the claims in the order of their completion.

It will be observed that Order No. 149 directs that the chiefs of divisions shall require examiners to devote their entire time during five days of each week to the consideration of cases upon the "completed files." The object of this order was to secure the undivided and unremitting attention of the entire force of examiners to the adjudicating of claims, the objective point of all the labors of the Bureau being to finally dispose of pending cases.

This committee will be better able to judge of the effect of these orders upon the business of the Bureau when I inform them that from October 20, 1888, to June 30, 1889, there were 98,338 certificates issued, while from October 20, 1889, to June 30, 1890, there were 120,418 certificates issued, being an increase in the work during the first eight months of my administration as compared with the corresponding eight months of the previous fiscal year of 23,080 certificates.

I now propose to explain to this committee the changes which were made in the then existing forms of the Office to adapt them to the "completed files" system, and the additional forms or cards that were prepared to carry the system into effect.

I exhibit for your examination eight forms which I found in use for the purpose of making calls upon the claimant for evidence in his case, upon the War Department for the military and medical history of the claimant, and for ordering medical examinations. It will be observed that the first form contains five calls, numbered serially from 1 to 5, inclusive; that some of the papers have no numbers whatever, and that others containing calls are each numbered 1, 2, 3, etc., so that there were no serial numbers running through the calls.

I also exhibit for your examination the new forms as amended by me and now used by this office.

——— Div. (3—077.) Invalid.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ———, *189—.*

SIR: In every claim to invalid pension it is necessary that the following information should be furnished by the claimant, if it does not appear in his declaration:

Call No. 1.—He should state under oath the nature and locality of the wound or injury, or the name or nature of the disease for which pension is claimed.

Call No. 2.—He should state under oath *when* and *where* the alleged wound or injury was received, or the disease contracted, and the *circumstances* of the origin of each.

Call No. 3.—He should state under oath whether he has been in the military or naval service since ———, 18—, and give the name and number of each company and regiment to which he belonged while in the service.

Call No. 4.—He should state without oath the names or numbers and the localities of *all hospitals* (whether regimental, brigade, division, corps, post, or general hospital) in which he was treated while in the service, giving, as nearly as possible, the dates of treatment in each. If he was not treated in the service he should state that fact.

Call No. 5.—His post-office address (and in cities the street and number of his residence) should be stated without oath.

In the claim No. ———, of Mr. ——— ———, the information indicated by Call No. ——— has not been furnished and should be supplied ——— ———.

N. B.—Please have number of claim and name and service of soldier put on back of evidence filed, and also say in reply to Call No. ——.

Very respectfully,

GREEN B. RAUM,
Commissioner.

——— ———,
———,
———.

Write nothing above this line.

(3—060.)

——— Div.
——— Ex'r.
No. ———

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ———, *18—.*

SIR. It is alleged that ——— ———, enlisted ———, 18—, and served as a ——— in Co. —, ——— Reg't ——— ———, also as a ——— in Co. ——, ——— Reg't ——— ———, and was discharged at ——— ———, ———, 18—.

It is also alleged that while on duty at ——— ———, on or about ———, 18—, he was disabled by ——— ———, and was treated in hospitals of which the names, locations, and dates of treatment are as follows:

In case of the above-named soldier the War Department is requested to furnish an official statement of the enrollment, discharge, and record of service so far as the same may be applicable to the foregoing allegation, together with full medical history. Please give the rank he held at the time he is claimed to have incurred the disability alleged, and if records show that he was not in line of duty during that period, let the fact be stated.

Very respectfully,

———,
Commissioner.

The officer in charge of the Record and Pension Division, War Department.

Write nothing to the left of this line.

(3—060.)

No. ———.

WAR DEPARTMENT,
RECORD AND PENSION DIVISION.
Respectfully returned to the Commissioner of Pensions.
——— ——— Co. ——, Reg't ——— was enrolled ———, 186—, and ———, 186—.

From ———, 186—, to ———, 186—, he held the rank of ——— ———, and during that period the rolls show him present except as follows:

The medical records show him treated as follows:

By authority of the Secretary of War:

———,
Captain and Ass't Surgeon, U. S. A.

Per
Date ———.
(Commissioner of Pensions.)

Call No. 7.

—— — Division (3-091.) No ——.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——, *189—*.

SIR: You are hereby directed to report yourself for medical examination to the *board of examining surgeons* —— ——, (St. and No.) —— ——, Town ——, County ——, State ——, within three months from date hereof.

The board meets at —— o'clock —— Wednesday in each month.

Return this slip with the date of the examination indorsed hereon by the secretary of the board making the same.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Claimant: —— ——. P. O.—— ——.
Attorney: —— ——. P. O. —— ——.

Examination made by the board this —— day of ——, 189—.

—— ——,
Secretary.

Circular call No. 7.

(3—100.)

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., —— *189—*.

MR. —— ——, late a ——, Co. ——, —— Regiment ——, an applicant for ——, invalid pension, No. ——, on account of disability from —— ——, has been directed to report himself to you.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Dr. —— ——, Co. ——.

N. B.—Read the inside of this circular before examining a claimant.

(EXAMINING SURGEON'S VOUCHER.)

(3—100.)

To the Examining Surgeon:

The claimant named on the outside of this circular has been directed to report himself to you for examination within three months of the date hereof, when the validity of the order will cease.

Should he present himself please examine him and make your report to this Bureau at once, in accordance with the instructions of the pamphlet already transmitted to you.

A particular description of the disability as it now exists, and a separate rating where more than one cause is found, must be given; and it must be clearly set forth in what form or manner, and from what probable causes an increased disability, if any, has resulted.

You will use the following distinctive terms to designate the degrees of disability, viz:

1. Claimants so disabled as to "require the regular presence, aid, and attendance of another person" are entitled to a *First Grade* rating.

2. Those so disabled as to be unfitted for "the performance of any manual labor," to *Second Grade.*

3. Those who suffer a disability "equivalent" to the loss of a hand or foot, to *Third Grade.*

4. The surgeon should certify to the fact, only, in each of the following disabilities: The loss of a hand or foot; of both hands or feet; of sight of both eyes; of one eye, the sight of the other having been previously lost; of arm *at* or above elbow; of leg *at* or above knee; of leg by amputation at hip joint; of arm by amputation at shoulder joint; of hearing of both ears so that subject is compelled to use artificial aid.

5. When claimant is totally and permanently disabled in both a hand and a foot the surgeon should certify to the fact and explain *why* it is he is so disabled,

6. When disability falls below above-named grades the ground of comparison should be anchylosis of wrist or ankle, and disabilities should be rated accordingly.

7. When disability is *greater* than that caused by anchylosis of wrist or ankle joint, and *less* than that caused by loss of hand or foot, the latter disability is taken as a basis of comparison.

8. The *Third* is the only grade subject to fractional divisions.

9. The lowest degree of disability pensionable is ¼.

The surgeon may inform the claimant of the result of the examination, as to whether or not, in his judgment, there is any pensionable disability, BUT IN NO CASE SHOULD HE COMMUNICATE HIS OPINION TOUCHING THE DEGREE OF DISABILITY; THAT IS TO SAY, THE SURGEON MUST NOT STATE HIS RATING TO THE CLAIMANT.

NOTICE.—This circular *must be returned to this Bureau with your certificate of examination,* accompanied by your daily account, or in the event of the person named in it failing to report within the specified time, return it indorsed as follows: "Claimant failed to appear within the specified time."

—— Division. (3—078.) State:

—— Examiner. Invalid. —— ——

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
—— ——, 189—.

SIR: In the claim for —— invalid pension No. ——, of —— ——, the testimony indicated in paragraph No. —— should be furnished.

Circular Call No. 8.—The affidavit of a COMMISSIONED OFFICER, first sergeant, or one or more enlisted men of claimant's company, setting forth when, where, and under what circumstances the alleged —— —— *only in exceptional cases, when good reasons are shown for inability to furnish testimony of members of the claimant's own company, will affidavits of members of other companies be accepted.*

Circular Call No. 9.—The affidavit of the surgeon, or assistant surgeon, of claimant's regiment as to treatment for —— —— while in the service. It is desirable that the description of the disability should be, as far as practicable, in the handwriting of the surgeon —— ——.

☞ *If claimant is unable to furnish any part of the testimony indicated, he should state the facts and reasons under oath.*

☞ Each witness must state his post-office address and means of knowing the facts to whlch he testifies.

☞ All erasures and interlineations in testimony must be certified to by the officer before whom the affidavit is executed—who may be any person authorized to administer oaths, his official character and signature being certified to under the seal of the proper officer.

This circular should be returned with your reply, and have evidence properly filed and state "in reply to Call 8," or 9, as may be.

Very respectfully,

GREEN B. RAUM,
Commissioner.

—— ——
—— ——,
—— ——.

Call No. 10.

(3-061.)

—— Division.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
—— ——, 18—.

Respectfully requested of the Adjutant-General U. S. A., a report from the records of his office as to the presence or absence, on or about ——, 18—, of —— —— of —— ——, and the station at that date of the —— ——.

Claim No. ——.

—— ——,
Commissioner.

—— Div. (3—474.) State:

—— Ex'r. Invalid.—Continuance of disability. —— ——.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., —— ——, *189*—.

SIR: In the claim for —— pension No. ——, of —— ——, of Co. ——, —— Reg't ——, the testimony indicated in paragraph No. —— should be furnished—

Circular Call No. 11.—The testimony of physicians who have attended him since the date of his discharge from the service, showing the history and degree of the disability from alleged —— —— during each year, the dates and duration of all treatment administered, and a full description of the disability in all its phases.

It is especially important that the physician who first attended the claimant after his discharge from the service should state the date at which his attendance commenced and his condition at that time, especially, if he then suffered from ——.

(The affidavit should be, as far as practicable, in the language and handwriting of the physician.)

Circular Call No. 12.—If the claimant can not furnish the *medical testimony* indicated in preceding call, he should state the fact and reasons under oath, and there should be furnished that of persons by whom he was employed, fellow workmen, or neighbors, showing what his physical condition was at the date of their first acquaintance, and what it has been each year since to the present time, and especially to what extent he has been incapacitated for obtaining subsistance by manual labor in consequence of —— ——.

The statement of the witnesses in regard to the manner in which the claimant was affected should be full and definite, and relate especially the symptoms observed, in order that the medical officer may be enabled from such description of symptoms to determine the nature and character of the disability; and they should show how they obtained a knowledge of the facts to which they testify.

☞ *Each witness should state his post-office address.*

☞ The credibility of witnesses and all erasures and interlineations in testimony must be certified to by the officer before whom the affidavit is executed, who may be any person authorized to administer oaths, his official character and signature being certified to under the seal of the proper officer.

This circular should be returned with your reply, and have evidence properly filed and state "in reply to call 11," or 12, as may be.

Very respectfully,

GREEN B. RAUM,
Commissioner.

—— ——,
—— ——,
—— ——.

———Division. (3-079.) Call No. 13.

CALL FOR HISTORY OF CLAIMANT'S DISABILITY.

DEPARTMEMT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., ——— ———, *189—.*

SIR: In the claim for Invalid Pension No. ——, of ——— ———, the claimant is requested to state his place or several places of residence (actual post-office addresses, in cities, the names of streets and numbers), and what his occupation has been during the period of his discharge to the present time, giving approximately the dates of any changes in his residence. He should also give a full and circumstantial history of the origin of his disability, and its continuance from the time when it first appeared, mentioning all medical treatment which he has received, and the names and residences of his physicians, and which, if any of them, are deceased. He should also state whether at any time and for what period or periods, giving dates as nearly as possible, he has been prevented from following his usual occupation by reason of the alleged disability.

Until the foregoing shall have been furnished, further action can not be intelligently taken in this claim, and a prompt reply will facilitate its early settlement.

N. B.—Please have number of claim and name and service of soldier put on back of evidence filed, and also say in reply to Call No. 13.

Very respectfully,

GREEN B. RAUM,
Commissioner.

———— ————,
————— ————,
————— ————,

You will observe that the various calls for evidence, orders, etc., contained in these forms are numbered serially from one to thirteen.

Each call therefore has habitually the same number, and it has become known as Call No. 1, Call No. 2, Call No. 3, etc., in the office. At the foot of these calls the request is made that an indorsement should be placed upon the answer, giving the number of the call the evidence purports to answer. I also had three cards prepared to be used in this system, which I will produce for your examination. The first card, known as the Call for Evidence Card, you will observe is prepared with the necessary blanks for a description of the claim in which it is to be used and an arrangement with numbers from one to thirteen corresponding with the calls upon the blanks which I have just shown you, and on the margin of this card is shown the office number of the blank to which these numbers refer and which contains a space for entering the date upon which the call is made, and below it is another space for the entry of the date when the answer is filed.

These "Calls for Evidence Cards" are strapped to the outside of the claims, and proper entries are made upon them by the examiner when they make calls upon claimants for evidence or issue orders for medical examinations, etc.

After these calls are made the case is then sent to the files and is in charge of the file clerks. When the evidence is received in the office it is sent from the mail division direct to the chief of the files of the proper adjudicating division. When this evidence is received by the file clerk it is his duty to draw the claim from the files, and he is required to examine the "call for evidence card" and compare the entries thereon with the evidence received to ascertain whether the calls made upon the claimant have been answered, and to enter opposite the proper number of the call the date on which the evidence answering that call is filed. When the last piece of evidence required to answer the calls entered upon the card is received, and an entry made of the date when it was so received, the claim is then entitled to be placed upon the

"completed files," and it becomes the duty of the file clerk to take the green card, which I now exhibit, headed "Completed Files," for the purpose of making a proper record on this card of the number of the case, the name of the claimant, the company, and regiment, and to note, under the printed words on the card "Last Evidence Filed," the date upon which the last evidence called for to complete the case was filed in the Bureau, and this card is then placed in a box in the order of the date of the filing of the last piece of evidence.

Upon the small card entitled "Completed Files" the number of the case is entered and this small card is slipped under the rubber band of the claim as a mark that the case is on the "completed files," as I now illustrate it. The claim is then returned to the file case from whence it was taken, to remain until the "completed file" card which represents it is drawn from the box, when the file clerk, with this card in his hand, goes to the file case and removes the case from the files, leaving a card to represent the case in its stead, with the name of the examiner to whom the claim is sent and the date that it is drawn from the files endorsed thereon.

This is the method by which more than three-fourths of all the cases adjudicated in the Pension Office are placed upon the "completed files." The balance of the cases placed upon these files for adjudication is at the request of the claimant or his attorney by making an application to the Commissioner of Pensions in the form I here present, upon which is noted the name of the claimant, with the company and regiment, and which contains the signature of the claimant or his attorney:

No. 1.

ORIGINAL CLAIM—OLD LAW.

———, 189—.

Hon. COMMISSIONER OF PENSIONS:

SIR: I have the honor to request that the *invalid* claim described below be placed upon the list of *completed files.*

No. of claim, ———; No. of certificate, ———; Nature of claim [additional increase or restoration;] Co. ——, ——— Reg't, ——— Vols.

1. That the declaration has been made in due form, stating the proper service of the soldier and the facts as to incurrence of the disability in and his discharge from the service.

2. That the proof establishes that the disability alleged in the declaration was incurred in the service and line of duty.

3. That the proof connects the present disability for which pension is claimed with wounds or diseases incurred in the service, and establishes the fact of disability during any past pensionable period.

4. That the claimant has, with the authority of the Bureau of Pensions, had a regular medical examination in respect to the disability described and claimed for in the declaration.

I certify upon honor that after a careful consideration of the case I am of the opinion that the case is *complete.*

Very respectfully,

———.

When these applications are received by the mail division they are immediately sent to the law division, where they are examined as to form, and if found correct they are properly stamped, indicating that the case is to be placed upon the "completed files." These applications are then transmitted to the chief of the files of the proper adjudicating division. The file clerks draw the cases to which these applications relate and strap the applications to the outside of the claims together with a small card entitled "Completed Files," and then tak

one of the green cards above alluded to, enter the number of the claim upon it, the name of the claimant, his company and regiment, and under the words "last evidence filed" enter the date of the receipt of the application, requesting that the claim be placed upon the "completed files," whereupon this card is immediately placed in the proper box for its reception and the claim is placed in the file case and remains there until the "completed files card" is drawn from the files in its proper order, when the case is taken from the files and delivered to an examiner, the name of the examiner receiving the case and the date the same is withdrawn from the files being entered upon the "completed files card."

The only variation from this rule has been where cases were drawn from the files upon the calls for status of members of Congress and were placed in the hands of examiners to make replies to these calls. Under these circumstances cases found complete were briefed and sent forward for adjudication out of their turn. This, however, has been stopped by a recent order issued by me under date of the 27th of February, 1892.

I affirm that this system of keeping the files of the Bureau of Pensions and of drawing the claims for adjudication is as perfect a system as can be devised. It is simple in its operation, in this, that the claims are drawn from the files for adjudication in the order of their completion, which is absolutely just and should not be varied, except in cases of emergency, as now provided by the order of the Department where claimants are sick and in danger of immediate death, or are unable to perform manual labor and are living upon charity.

I had no motive whatever in preparing and issuing my orders Nos. 149 and 151, except to promote the efficiency of the service and for the public good; no object or intention that directly or indirectly any attorney should have any preference in the consideration of his case, or be treated in any way different from any other attorney whose case was in like condition in the Bureau. Nor has there been to my knowledge any preference or partiality to any attorney practicing in the Pension Office by myself or by any subordinate.

No notice was given to any attorney directly or indirectly of the issuance of these orders in advance of their adoption.

I had no conference in any way with Mr. George E. Lemon about them, nor any communication with him on the subject of the method of the adjudication of claims, except the letter of November 16, 1889, and the communication referred to in it; none whatever since that date.

The "completed files" system as applied to the Pension Office is my own and has been administered, so far as I know, with absolute impartially and without favor to any.

STATISTICAL CARD.

It is proper for me to state that I encountered great difficulty in dealing with pension questions because of the total absence of proper statistics in the Bureau touching upon the subject of the ages of pensioners at the date of enlistment, at the date of the commencement of pension, and at the date of their death, and also of the value of pension certificates issued from day to day. To obviate this I invented what is known as the "statistical card," upon which is recorded all the material facts of each pension claim, giving the age of the claimant at the date of his enlistment, the length of service in months, his age at date of pensioning, and also a record of the rate of pension granted

and the time of its commencement, and, finally, the card is to contain an entry of the date of the death of pensioner, and his age at death. These cards are now used in connection with all claims and from them is compiled a daily report of the number and value of pension claims, upon which is based the consolidated monthly report which is now being furnished to members of Congress and to the public.

Before the introduction of this card all the statistical information in regard to the financial expenditures for pensions which appeared in the annual reports of the Commissioners was derived from the reports of the several pension agents, and until this daily report of the number and value of pension certificates issued was devised no Commissioner knew the amount of money he was certifying against the Treasury from day to day, until he made up his accounts from the reports of the several agencies, nor was there ever an attempt made to keep a record in the office of the length of service of the persons who were pensioned and their ages at the date of enlistment and commencement of their pensions, so as to accumulate a sufficient amount of statistical information from which experienced actuaries could determine the probable length of life of the pensioners, and with reasonable accuracy estimate the probable continuance of the pension roll.

APPOINTMENT DIVISION.

I found on taking charge of the Bureau that all matters pertaining to the establishment of medical boards and the appointment of examining surgeons, together with all official documents relating thereto, were under the supervision of the medical referee, and that all matters pertaining to the clerical force proper of the Bureau of Pensions were under the jurisdiction of the assistant chief clerk, who had the custody of the documents relating thereto.

I deemed it proper that these duties should be consolidated and placed under the supervision of one division, and with that end in view, on the 22d day of November, 1889, I issued the following order:

ORDER.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., November 22, 1889.

A division is hereby created in the Bureau of Pensions to be known as the appointment division.

The assistant chief clerk of the Pension Office shall be acting chief clerk of the appointment division.

This division shall have charge of all papers relating to the appointment of the entire official force of the Bureau of Pensions, including the boards of medical examiners, and of all papers relating to promotions.

The pay rolls of the Bureau shall be prepared in the division.

The chief clerk will assign the necessary clerical force for this division.

The superintendent of the Pension Office building, and the force of laborers, will be under the direction of the assistant chief clerk for the care of the building.

The appointment division will be under the direction of the Commissioner.

GREEN B. RAUM,
Commissioner.

My son, Green B. Raum, jr., having been appointed assistant chief clerk, was placed in charge of this division. In respect to the value of his services while he had charge of the appointment division I invite your attention to the report of Mr. O. P. Hallam, the present assistant chief clerk of this Bureau, assigned to duty as chief of the appointment division, which is a part of my annual report for the fiscal year ended June 30, 1891;

REPORT OF ASSISTANT CHIEF CLERK.

SIR: I have the honor to submit herewith a report of the work performed by the assistant chief clerk of this Bureau and the clerks assigned to duty in the division known as the appointment division, of which I am in charge, for the fiscal year ended June 30, 1891.

No detailed report has been made by the assistant chief clerk subsequent to the year 1887, and in view of the improvements that have been had in the organization and administration of this part of your office I deem it advisable to dwell briefly upon the present organization of the appointment division.

Under date of November 22, 1889, the following order, creating the appointment division, was issued by you:

ORDER:]

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., November 22, 1889.

A division is hereby created in the Bureau of Pensions to be known as the appointment division.

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The pay rolls of the Bureau shall be prepared in the division.

The chief clerk will assign the necessary clerical force for this division.

The superintendent of the Pension Office building, and the force of laborers, will be under the direction of the assistant chief clerk for the care of the building.

The appointment division will be under the direction of the Commissioner.

GREEN B. RAUM,
Commissioner.

Under the operations of this order so much of the work of the Bureau as related to the establishment of the medical boards, then under the supervision of the medical referee, was detached from the medical division and placed under the direction of the assistant chief clerk, so that now he has charge of the preparation of the pay rolls, the records of the employés, complaints against any of the clerical force, the records of appointments, promotions, and dismissals, and other changes in the personnel of the Bureau, and such other miscellaneous work as may, from time to time, be assigned him by the Commissioner.

The assistant chief clerk has also the supervision of the superintendent of the building and the force of laborers under his direction who are charged with the care of the Pension building.

At the time of the creation of the appointment division there were in the neighborhood of 400 boards of examining surgeons, and the clerical force numbered 1,554 persons all told.

The great work of the Bureau in the adjudication of claims required the establishment of additional boards of examining surgeons, and such establishments were effected from time to time as the exigencies of the public service demanded, so that now there are 1,155 examining boards and 335 single surgeons, aggregating 3,800 physicians engaged in the medical examination of applicants for pension.

Anticipating the vast amount of work that would follow the enactment of the law of June 27, 1890, an additional force of 455 persons was provided for by Congress, so that at the present time the clerical force proper of the Bureau numbers 2,009. There are also 18 pension agencies, furnishing employment to 419 persons, making a total number of 6,246 employés under the direction of the Commissioner of Pensions.

Upon investigation I find that when the then assistant chief clerk assumed control of the appointment division the papers relating to examining boards and the employés of the Bureau were in the utmost disorder, and in order to secure the convenient conduct of the business of the division, he realized the importance of having the papers on file put in such shape that any document desired could be found at a moment's notice. With this end in view the employés of the division were placed upon the work of properly briefing all papers relating to matters pertaining to the division, and as a result in a very short period perfect order followed the confusion previously existing. The increase in the number of examining boards and of the clerical force augmented the work of the division in a corresponding degree. The clerical force of this division consists of 11 clerks and 2 messengers. Prior to the consolidation under your order the clerks employed for the performance of the same work were double that number, and the total pay roll of the division aggregated nearly $7,500 per annum more than the present roll.

During the fiscal year just closed 3,346 communications relating to the business of examining boards were written, and 4,062 letters relating to matters pertaining to the clerical force of the Bureau were prepared, making the aggregate number of letters sent out 7,408.

The proper preparation of the large pay roll of the Bureau requires absolute accuracy and constant supervision, payments being made semimonthly. All the work of the division is current, nothing being left undone at the close of business hours.

The addition to the force for the care of the Pension Office building has been of great value in putting the house in better order and a more sanitary condition than ever before. The substitution of the latest improved closets for the unsatisfactory and unsanitary stalls now in use is earnestly recommended, as it involves the health of those clerks occupying rooms adjacent to these closets. Disinfectants have been employed, but without remedying the evil.

The mechanics are constantly employed in repairs on the building and furniture; and it is found that the work is more promptly done and at less expense than by contract.

I assumed charge of the division on the 13th day of July, 1891. To convey the impression that the present splendid organization has been due in whole or in part to my exertions would be to claim credit properly belonging to another. When I entered upon duty I found a perfect organization effected by and under the direction of my immediate predecessor. Under his direction the irregular and confused practice heretofore had in this branch of the work of the office was done away with, and matters steadily and rapidly assumed a comprehensive and businesslike condition, and the confusion incident to the distribution of the work now done by the appointment division among several divisions has been obviated.

I take pleasure in bearing testimony to the conscientious work done by the clerks in this division. The work performed speaks for them.

Very respectfully,

O. P. HALLAM,
Assistant Chief Clerk.

Hon. GREEN B. RAUM,
Commissioner of Pensions.

On my own behalf I will say that I gave the business connected with the appointments and promotions in the clerical force of the Bureau my careful personal attention. The greatest care was exercised to secure the most competent persons certified from the Civil Service Commission. These persons were usually strangers residing in widely different sections of the country. Reliance for the most part in making selections was placed in the examination papers themselves transmitted with the certifications.

In regard to the promotion of clerks in this Bureau I wish to state that my recommendations were made not in a perfunctory manner, but were made after carefully examining into the merits of each case. Selections were made from among the number recommended by the several chiefs of divisions of those who seemed to be the most deserving and competent. This was done without prejudice or favoritism. There were over 800 employés promoted, and I would be glad to have them all questioned for the purpose of ascertaining whether or not any improper influence entered into these transactions.

An effort has been made before this committee to challenge the correctness of my action in regard to the removal of various persons from the Pension Office. I have shown the committee the grounds upon which I based my recommendations for the removal of Summerlin, Taylor, Engle, Howard, Hodgson, Fawcett, Jennings, McCullough, Paine, and McGinnis.

In causing the removal of these men I acted upon what I conceived to be proper grounds for the promotion of the interests of the public service, and I am satisfied that this committee will agree with me in the statement that evidence taken before it conclusively shows that some of these men are utterly unworthy of public confidence. I have made it a rule to recommend the reinstatement of an employé where I be-

came satisfied that there was no just ground for his removal, and acting upon this principle I have caused the reinstatement of McCullough, Paine, and McGinnis.

I will state to the committee that I have examined the testimony of Mr. W. H. Barker, and observe that he has stated that while he was chief of the record division he informed me substantially of the charge made by Mrs. Wright against Mr. Ford of an insulting solicitation by Mr. Ford to her. In reply I state that Mr. Barker is entirely mistaken. He never gave me any such information. I think it proper that I should also state that I became very much dissatisfied with Mr. Barker and requested him to seek other employment and get out of the Pension Office (which he did to the advancement of the interest of the public service).

In regard to the prosecution of Charles Alfred De Arnaud I will say that my attention was called by Gen. Boynton to certain alleged misconduct on the part of De Arnaud in the prosecution of a pension claim. The charges were such that I could not properly ignore them, and so the matter was placed in the hands of a special examiner for investigation and turned over to the law officers of the Government in the District.

I took no personal part whatever in inciting a prosecution against De Arnaud; I simply performed what I regarded as my official duty. When the papers in the pension claim were returned by the district attorney to my desk, I looked them over and I dictated the paper in the case signed by me as Commissioner.

I have no enmity against De Arnaud; upon the contrary, I have felt sorrow for the misfortunes of the man.

A strong effort has been made before this committee to cast serious reflection upon my conduct in respect to recommending the removal of employés of the Bureau. In addition to what I have stated in regard to my action in individual cases, I wish to say in a general way that I pursued an exceedingly conservative course in recommending the removal of persons from the office.

I have felt that with persons dependent upon their salaries for support it was a most serious thing for them to lose their places, and I have had no disposition at any time to make wholesale changes. I have endeavored to stimulate a spirit of emulation to excel, so as to secure the highest quality of work and the largest quantity possible from the official force.

A better judgment can be arrived at in respect to my administration upon this subject of removals by a comparison with the administration of the Pension Office under Gen. Black. A few days before he retired from the office he made an official report to Secretary Noble setting forth in detail the number of persons who, during his administration of the Pension Office, had been dismissed—dropped from the rolls, and otherwise retired from the public service. I present you with a copy of Gen. Black's letter transmitting his report to Secretary Noble, the letter being as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER,
Washington, March 21, 1889.

SIR: I submit herewith a tabulated statement showing in detail all changes which have occurred in the official force of this Bureau from the date of my assuming charge thereof, on the 17th of March, 1885, down to and including the 31st of December, 1888; and in addition to this, a memorandum of changes made in the clerical force aforesaid, down to and including the 28th day of February, 1889.

The following summary of said detailed statement and subsequent changes is herewith furnished.

There have been 293 resignations, 70 deaths, 347 dismissals, 80 dropped by reason of expiration of term of appointment, 110 reductions, 670 appointments, 66 reinstatements, 771 promotions.

I have the honor to be, very respectfully,

JOHN C. BLACK,
Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

I present also a list of the dismissals in the Bureau of Pensions from March 17, 1885, to March 25, 1889, during Gen. Black's administration, from which it will be seen that 317 persons were dismissed from the public service and not reinstated, of whom 126 were soldiers, and that 80 persons were dropped from the rolls, making a total of those who were retired by being dismissed and dropped, of 397.

I also present for your consideration a list of the persons who have been dismissed upon my recommendation and not reinstated during my administration of the Pension Office of more than two years and seven months, which shows that 28 persons have been dismissed upon my recommendation; so it seems that while Gen. Black during a period of four years caused the retiring by dismissal and dropping of 397 persons, I have caused 28 persons to be dismissed from the service, 12 of whom had been soldiers.

It may be insisted that my immediate predecessor, Mr. Tanner, may have applied the guillotine with such vigor that the dismissals which occurred during his occupancy of the office, added to what I may have done in the way of dismissals, equaled the long list of Gen. Black. That there may be no misunderstanding in regard to this matter I present herewith a list of the dismissals by Mr. Tanner, which shows that he caused the retirement of 152 persons, 118 of them being civilians and 34 of them soldiers.

So it appears that while Gen. Black dismissed and retired 397 persons from the Pension Office during his incumbency the number retired by Mr. Tanner and myself amounted to 180 persons.

While your minds are dwelling upon the subject of a comparison of the business of the Pension Office under the last administration and this administration, I wish to lay before you six comparative tables which give a complete review of the business of the Pension Office during the administration of President Cleveland and also during the administration of President Harrison.

These figures show the extraordinary growth of the business since March 4, 1889, and the great zeal which has been manifested in the performance of the work. These tables are prepared so as to show the amount of work performed during 3 years and 2 months and a half of each of these administrations, an equal time being taken so as to make the comparison just and complete.

It appears that under the Cleveland administration there were 7,214,184 pieces of mail received, and during the Harrison administration there were 14,561,940 pieces of mail received; that during the Cleveland administration there were 5,759,191 pieces of mail sent out and during the Harrison administration 10,452,308 pieces of mail sent out.

It appears that from March 1, 1885, to June 30, 1888, during the Cleveland administration there were 559,750 medical examinations made, and from March 1, 1889, to April 30, 1892, there were 1,158,902 medical examinations made. It appears that from March 4, 1885, to April 30, 1888, there were 322,392 pension certificates issued, and that

from March 4, 1889 to April 30, 1892, there were 709,088 pension certificates issued, being an increase in the number under the Harrison administration for the same period of time of 386,696.

It also appears that during the Cleveland administration there were 549,428 calls made upon the War Department for the military and medical history of claimants, and that for the same period during the Harrison administration there were 821,696 calls made upon the War Department.

It appears that during the fiscal years 1885, 1886, 1887, and 1888 the disbursements for pensions amounted to $280,974,563.52; that the cost of disbursement was $1,084,646.54, and that the average cost of disbursing each dollar was .0035 of a cent on the dollar, and that the average cost of paying each pensioner was 72.9 of a cent. It also appears that during the fiscal years 1889, 1890, 1891, and nine months of 1892 there were disbursed for pensions $411,303,265.11, and that the cost of disbursement was $1,307,612.39, and that the average cost of disbursing each dollar was .0031 of a cent, and that the cost of paying each pensioner under the Harrison administration was 56.1 of a cent, being a saving of 16.8 of a cent in the disbursement of the public funds to each pensioner.

It also appears from these statements that from March 1, 1885, to April 30, 1888, during President Cleveland's administration, there were 322,392 pension certificates issued; that the salaries of clerks and paying expenses of examiners during that period amounted to $7,693,194.71, giving a cost of $23.85 in salaries, etc., for each certificate issued, and that from March 1, 1889, to April 30, 1892, during President Harrison's administration, there were 709,088 pension certificates issued, and that the salaries of clerks, etc., per diem and expenses of special examiners was $7,986,887.68, being $11.28 cost of salaries, etc., per each certificate issued, and that the difference in the cost of adjudicating claims and issuing certificates as between these administrations is $12.59 for each certificate in favor of the administration of President Harrison.

I present these statements of the results of the labors of the Pension Office under the present administration with pride, believing that they will be appreciated by the public. It is proper for me to state, gentlemen of the committee, that these gratifying conditions of this branch of the public service is not the result of accident, but is the natural outcome of a better organization of the Bureau and of diligence in the performance of public duty. I beg to state to you that on the 24th of February, 1890, four months after I took charge of the Pension Office, I made a memorandum of the various changes which I had made in the organization and business methods of the office for the information of the Department, which I now lay before you for your consideration:

MEMORANDUM.] FEBRUARY 24, 1890.

Action has been taken in the Bureau of Pensions to carry into effect the following-named matters:

(1) The daily acknowledgment of every communication received at the Office.

(2) The assignment of the subordinate force so as to put the Pension Office Building in order and keep it so, and also to keep it in repair.

(3) Fixing the hour for closing business on Saturdays at 4 o'clock, instead of 3 o'clock.

(4) Prohibiting smoking by the official force in the working rooms of the divisions, corridors, etc., during office hours.

(5) The distribution of the superintendence of the work of the divisions between the Commissioner, the two deputy commissioners, and the chief clerk, assigning to each his part.

(6) Requiring that no claim shall be rejected until the claimant has had every opportunity possible to prove his claim.

(7) Forbidding the reopening of cases except upon new and material evidence.
(8) Prohibiting the reopening of cases by heads of divisions, examiners, etc., and conferring the power to reopen upon the the two deputy commissioners.
(9) Authorizing claimants and their attorneys to examine the papers in their cases in the offices of the two deputy commissioners, and to make requests in regard to same.
(10) Prohibiting claimants, their attorneys, and all other persons, from visiting the divisions for the transaction of business.
(11) Declining to order the examination of claimants from distant States by the board of Washington city, but ordering the claimants before the boards in their own neighborhoods.
(12) Requiring all claims involving a large first payment, and all claims rated at $12 per month and upwards, to be submitted to the Commissioner for final action.
(13) The organization of the appointment division, to which is assigned all work connected with appointments, the preparation of the pay rolls, and the care and custody of the Pension Office building.
(14) The reorganization of the finance division and the bringing of all matters of accounts under one head, instead of three heads as heretofore.
(15) The reorganization of the medical division and abolishing the plan of assignment of work according to classified diseases, thus securing much more work.
(16) Having the accounts of all the boards of examining surgeons paid by the pension agent at Washington by checks, instead of by all the agents throughout the country. This has secured the prompt payment of accounts.
(17) The discontinuance of the board of re-review, the reorganization of the board of review, and the assignment to the adjudicating divisions of 40 clerks thus relieved from these boards.
(18) Recalling 40 special examiners from the field and assigning them to duty in the adjudicating divisions; by these two measures the adjudicating divisions have an increased strength of 80 clerks.
(19) The examination and counting of the claims on file and the selection of cases apparently complete upon a list known as the "completed files" for immediate action; 35,240 cases were thus selected. The claimants were notified of this action, and order was then issued authorizing claimants and their attorneys, when claims were complete, to file requests to have these cases placed on the "completed files." Where their motions are in due form, the cases are at once put upon the list of "completed files" and taken up in their turn.
(20) The divisions are required to devote five days in the week to adjudicating cases, and one day in the week to sending out calls for evidence in cases in the pending files. Under this order 50,000 cases per month are taken up and complete calls made in them, and about 14,000 cases per month disposed of from the completed files.
Since the 9th of January 10,563 cases have been added to the completed files upon motion of claimants and their attorneys.
(21) When claims are examined for the purpose of making calls for evidence the facts not proven are determined and the calls noted opposite the properly numbered spaces upon cards prepared for that purpose. The evidence to comply with these calls is required to bear the numbers of the calls as sent out, and when all the calls are answered the file clerks are required to place the cases upon the completed files and the claimant is notified.
By this machinery there is established what might properly be called a preparatory docket and a trial docket.
(22) Congress has been requested to pass a law authorizing the appointment of 30 additional examining surgeons for the Pension Bureau. This is made necessary by the fact that the work of the adjudicating divisions has so increased that there are now 13,000 cases undisposed of in the medical division.

These changes made during the first four months of my service have resulted in a great improvement in the business methods of the Bureau.

The Bureau of Pensions is now, in my opinion, equal to any other bureau of the Government—more is expected of it than of any other bureau—and the official force has responded cheerfully to every demand upon it for an increase of the work of the office.

I have answered the hundreds of columns of defamation which have been printed during the past two years by giving to the country an administration of the Pension Office unequaled in its annals for perfection of arrangement and efficiency in its work. I have not been drawn aside from this important task by the intrigues of malice inside and

outside of the Pension Office, nor have my spirits been subdued by the denunciations of an unbridled press.

It is also proper for me to state that I am not responsible either for the appointment or retention of any persons employed in the Pension Office, either men or women, who may justly be regarded as improper persons to be retained.

I have felt that malice and falsehood could not prevail against an honorable and correct course, and that the spirit of fair play could be relied upon in the breasts of the American people. I have served this country in war and in peace during a period of fifteen years, and I can face the world upon the question of the patriotism, honor and, honesty of all my official acts.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 7, 1892.

Dismissals in Pension Bureau from March 17, 1885, to March 26, 1889:

Name and State.	Date of dismissal.
Allen, F. H.,[1] Wisconsin	Feb. 28, 1886
Alden, W. P.,[1] Indiana	Nov. 10, 1886
Ayer, H. G.,[1] New Hampshire	June 30, 1885
Armstrong, W. W.,[1] Texas	Nov. 20, 1885
Allen, A. L., Maine	June 30, 1885
Antisell, T. J., District of Columbia	June 30, 1885
Benton, J. H., Indiana	Apr. 25, 1887
Brown, R. E., Michigan	Sept. 30, 1888
Brown, E. H.,[1] District of Columbia	Sept. 15, 1885
Bradford, W. R., District of Columbia	Sept. 20, 1886
Behle, C. E.,[1] District of Columbia	July 9, 1887
Burke, T. S.,[1] Wisconsin	Oct. 31, 1887
Bishop, F. P.,[1] Tennessee	Aug. 31, 1887
Barrett, D. E.,[1] Vermont	Mar. 31, 1888
Burnside, W. H., District of Columbia	Aug. 15, 1885
Bush, A. I.,[1] Connecticut	Dec. 1, 1886
Burnett, J. M., Connecticut	[2]Mar. 15, 1887
Barnett, James, District of Columbia	[3] June 30, 1885
Bealle, C. A., Georgia	Aug. 25, 1887
Bowles, H. E.,[1] New Jersey	Feb. 28, 1886
Bunyea, S. W.,[1] Michigan	June 30, 1885
Brame, Tignall, Virginia	June 15, 1885
Baley, W. M., Tennessee	June 30, 1885
Barnard, J. H.,[1] New York	....do .....
Brown, W. P.,[1] Indiana	June 30, 1886
Brunson, E. J.,[1] Indiana	July 31, 1887
Bass, W. M., Indiana	Apr. 25, 1887
Brown, J. W., Ohio	June 30, 1888
Burkart, J. W.,[1] New York	Mar. 31, 1886
Ballou, J. Y.,[1] Indiana	July 3, 1885
Brown, W. M. E., Maine	June 15, 1885
Bingham, C., Pennsylvania	Sept. 17, 1887
Brouner, R. R.,[1] New York	Sept. 3, 1887
Benham, W. B., New York	[4]Aug. 27, 1887
Berthe, L. F.,[1] Minnesota	Aug. 31, 1887
Buskirk, T. B., Indiana	July 31, 1887
Badgley, A. S., Tennessee	May 15, 1886
Bliss, W. R.,[1] New York	June 30, 1885
Brower, C. J.,[1] Iowa	Apr. 20, 1888
Childs, H. S., Missouri	[5]Sept. 30, 1886
Coffin, J. R., New York	Nov. 20, 1885
Curran, J. E., New York	June 30, 1887
Curry, W. W.,[1] Indiana	June 30, 1885
Clarke, E. M., Florida	Mar. 10, 1887
Cook, J. C.,[1] Ohio	June 30, 1885
Cheyney, Curtis,[1] Pennsylvania	[6]Apr. 30, 1888
Carr, G. W.,[1] Indiana	Apr. 25, 1887
Chappell, C. W., New York	June 5, 1886
Connolly, Jere, New York	Dec. 12, 1886
Colby, N. T.,[1] Pennsylvana	Feb. 28, 1889
Cook, T. F.,[1] New Jersey	July 31, 1887
Coldren, F. G., Michigan	June 20, 1886
Croghan, C. J., South Carolina	Mar. 15, 1887
Callen, G. M., Tennessee	June 30, 1885
Case, J. K., Pennsylvania	Sept. 15, 1886
Chapman, G. E., Maryland	June 30, 1885
Chapin, S. B., Arizona	....do .....
Carlisle, Haslitt,[1] Virginia	Feb. 27, 1888
Colson, D. G., Kentucky	June 30, 1886
Chapin, C. A., Michigan	July 15, 1886
Charles, J. P., Ohio	June 30, 1885
Crosby, W. O.,[1] Iowa	May 31, 1885
Curtis, W. R., Idaho	Aug. 31, 1885
Chipp, Rodney,[1] New Jersey	Sept. 15, 1886
Chapman, G. M., New York	Dec. 15, 1886
Coleman, W. G., New York	Nov. 4, 1887
Dickerson, John,[1] District of Columbia	Aug. 16, 1885
De Putron, J. C.,[1] Virginia	June 15, 1885
Downing, Andrew,[1] Iowa	July 31, 1885
Dumble, H. L., Ohio	June 30, 1885
Dent, T. M., Georgia	Apr. 25, 1887
Davis, E. J., Pennsylvania	July 13, 1885
Doyle, S. S., Pennsylvania	Aug. 20, 1887
Donaldson, J. M., Ohio	Dec. 13, 1886
Dent, M. C., New York	June 30, 1887
Doyle, W. E.,[1] Kentucky	Aug. 20, 1887
Dorian, Marion, District of Columbia	June 30, 1886
Durment, E. S., Indiana	June 30, 1885
Dean, C. F., New York	....do .....
Dedrick, W. W., Missouri	....do .....
Donohoe, J. I., Minnesota	Jan. 29, 1888
Exel, Christian,[1] Minnesota	June 30, 1886
Eager, J. H. L.,[1] Pennsylvania	Apr. 30, 1887
Elkins, C. H., Georgia	Feb. 29, 1888
Eils, J. H.,[1] New York	Aug. 5, 1888
Eppert, C. P.,[1] Indiana	Oct. 22, 1886
Eaton, H. W., New York	Apr. 15, 1887
Evans, G. O., New Hampshire	June 30, 1888
Edmonds, F. W., New York	Sept. 30, 1886
Egleton, W. H., New York	June 30, 1888
Edwards, F. W., Illinois	June 30, 1886
Frost, G. W., Ohio	May 31, 1885
Fardon, A. P., New Jersey	June 30, 1885
Fuller, E. E.,[1] New York	Oct. 22, 1887
Finney, L. R., Ohio	June 30, 1885
Flynne, August,[1] Missouri	June 20, 1885
Foster, J. H., Indiana	June 30, 1885
Fuller, J. A., Illinois	....do .....
Foote, C. E.,[1] New York	Mar. 6, 1888
Foster, Jacob,[1] Michigan	June 15, 1886
Ferguson, W. T., Alabama	May 31, 1885

[1] Served in Army or Navy.
[2] Reinstated June 1, 1887.
[3] Reinstated May 14, 1886.
[4] Reinstated Oct. 14, 1887.
[5] Reinstated Nov. 19, 1886.
[6] Reinstated March 6, 1889.

Name and State.	Date of dismissal.
Foulke, W. L.,[1] Illinois	June 30, 1885
Fisher, T. W.,[1] Massachusetts	....do .....
Gage, C. H., New York	....do .....
Green, C. F., Indiana	Sept. 22, 1886
Goddard, George, District of Columbia	June 30, 1885
Griffin, C. C.,[1] Illinois	May 31, 1885
Gilson, J. M.,[1] Missouri	June 30, 1887
Gray, Wm., Iowa	Oct. 31, 1886
Griffith, F. P., Indiana	Aug. 31, 1888
Gardner, J. A., Virginia	[2]Sept. 30, 1886
Garitee, C. E., Maryland	Apr. 22, 1885
Gregory, Alfred, Georgia	June 30, 1885
Hawkes, B. F.,[1] Ohio	June 20, 1885
Henry, A. G., Pennsylvania	Dec. 1, 1886
Hunter, jr., Oswald, North Carolina	[3]Apr. 30, 1887
Hunter, J. T., Missouri	June 30, 1885
Herndon, Dabney, District of Columbia	Aug. 20, 1887
Harris, D. H., Pennsylvania	June 30, 1885
Hoch, Z. H., Pennsylvania	Aug. 20, 1885
Harney, T. R., South Carolina	Sept. 23, 1886
Heller, J. L., Illinois	Mar. 31, 1887
Hawkins, F. H., Kentucky	June 30, 1885
Hendricks, Arthur, Georgia	Sept. 30, 1886
Hawes, J. J.,[1] Indiana	May 15, 1885
Huntington, A. S., Ohio	Oct. 25, 1886
Hayward, W. H.,[1] Connecticut	Mar. 31, 1886
Hill, C. F., New York	[4]Mar. 13, 1888
Hayden, J. E., District of Columbia	Oct. 15, 1885
Haswell, G. T., Texas	Aug. 8, 1887
Harbaugh, L. J., Maryland	Feb. 15, 1889
Hollenbeck, F. B., Ohio	Apr. 19, 1887
Hoffman, J. J., Oregon	June 30, 1885
Hoffliger, P. J.,[1] Pennsylvania	[5]June 30, 1885
Harding, A. C., Missouri	June 30, 1887
Hopkins, G. P., New York	[6]June 30, 1886
Hayward, H. J., Indiana	June 30, 1885
Hall, J. T. H.,[1] New York	Dec. 22, 1886
Harmon, John,[1] Arizona	Feb. 12, 1887
Isham, C. H., Connecticut	June 30, 1885
Jones, P. K., Virginia	....do .....
Johnson, E. N., Ohio	Aug. 10, 1885
Johnson, Jere, Indiana	June 15, 1885
Jones, A. W., Minnesota	Dec. 15, 1888
Kimmel, J. Q. A., Illinois	May 31, 1885
Kilby, A. M., New York	Feb. 29, 1888
Kober, G. C.,[1] Ohio	May 31, 1885
Kirkpatrick, C. W., Iowa	May 15, 1886
King, G. S., District of Columbia	Feb. 28, 1886
King, C. M., Minnesota	June 30, 1885
Klugh, J. F., Pennsylvania	July 31 1888
Lincoln, S. S.,[1] Virginia	June 18, 1886
Legg, A. M.,[1] New York	June 30, 1888
Landers, Thomas,[1] Texas	[7]Sept. 10, 1886
Lamson, F. S.,[1] District of Columbia	Sept. 4, 1888
Loveland, F. C.,[1] New York	Oct. 5, 1887
Latourette, J. W., New Jersey	June 30, 1885
Lapham, F. A., New York	....do .....
Lohr, W. T., Iowa	....do .....
Langley, J. W., Kentucky	Sept. 19, 1886
Leary, M. N., North Carolina	Dec. 10, 1886
Lamson, H. P.,[1] Indiana	[8]Nov. 19, 1887
La Force, H. C.,[1] Indiana	Nov. 30, 1886
La Marsna, J. J.,[1] Kansas	Apr. 25, 1886
Lewis, M. M.,[1] Colorado	Nov. 20, 1886
Laporte, F. F., District of Columbia	May 31, 1884
Lesh, R. B., Pennsylvania	June 30, 1885
Larcombe, H. S., Louisiana	....do .....
Lambert, J. H.,[1] Pennsylvania	Apr. 15, 1885
McMahon, Daniel,[1] New York	[9]Sept. 15, 1887
Mack, Fred,[1] Vermont	July 15, 1888
Mason, J. E.,[1] New Hampshire	[10]July 12, 1888
Morgan, A. T.,[1] Mississippi	June 30, 1885
MacBride, T. H.,[1] Illinois	Sept. 9, 1887
Mitchell, Thomas,[1] Connecticut	Sept. 30, 1887
McCaffrey, W. S.,[1] Ohio	June 30, 1885
Meagher, Francis,[1] Wisconsin	May 31, 1888
McCarthy, C. H., New Jersey	Aug. 30, 1887
Milburn, W. E. F.,[1] Tennessee	June 30, 1885
Morris, R. N., District of Columbia	[11]June 30, 1885
Mitchell, G. H.,[1] New York	May 31, 1885
Macy, W. W.,[1] Indiana	Dec. 7, 1886
Mayer, W. S.,[1] Texas	[12]Sept. 15, 1887
McSheehy, Thomas, Indiana	May 15, 1885
Mills, L. W., Indiana	Aug. 15, 1888
Morse, G. W.,[1] Pennsylvania	Aug. 31, 1887
McAlvin, H. J., Massachusetts	Jan. 15, 1887
McGetrick, E. B., Alabama	[13]June 15, 1885
Mayes, T. A.,[1] Indiana	[14]Apr. 30, 1888
Moore, W. B.,[1] Pennsylvania	Apr. 30, 1886
Martin, W. C., Virginia	Apr. 25, 1887
Mitchell, Edward,[1] Virginia	....do .....
McPherson, Donald, Michigan	Sept. 15, 1887
Mann, H. L., Ohio	Nov. 23, 1886
MacMillan, F. J., Nebraska	Sept. 10, 1887
Meyerhardt, Louis, Georgia	Nov. 30, 1888
Mulligan, J. E., Maryland	Oct. 10, 1886
McHenry, R. W., District of Columbia	Mar. 20, 1888
McClain, Dow,[1] Kansas	June 30, 1887
Maloney, M. J., Colorado	June 30, 1886
Moody, C. E., New York	June 30, 1885
Mason, N. E.,[1] New Jersey	Mar. 31, 1885
Means, L. H.,[1] Ohio	June 30, 1886
McIntyre, D. S.,[1] Illinois	June 30, 1887
McCoy, J. H., Illinois	June 30, 1885
Magee, T. N., Pennsylvania	Dec. 31, 1888
Nichols, G. S.,[1] New York	June 15, 1885
Newsom, N. C.,[1] Indiana	Mar. 31, 1887
Nichols, C. F., Connecticut	[15]June 30, 1885
Nelson, C. C.,[1] Virginia	Apr. 30, 1887
Noble, P. S.,[1] Kansas	May 31, 1885
O'Brien, E. F.,[1] South Carolina	Aug. 31, 1888
Owens, N. B., Tennessee	May 31, 1885
O'Farrell, Patrick,[1] Connecticut	June 30, 1885
Okey, C. W.,[1] Wisconsin	June 15, 1885
Offley, H. E., District of Columbia	Dec. 13, 1886
Olds, G. E., North Carolina	June 30, 1885
Payne, L. E.,[1] Wyoming	Sept. 25, 1885
Parrish, L. N., Illinois	Feb. 28, 1886
Pollock, J. P., Pennsylvania	June 10, 1885
Prentice, N. B.,[1] Wisconsin	June 15, 1885
Parcel, J. C.,[1] Illinois	May 31, 1885
Price, R. N.,[1] Pennsylvania	Aug. 31, 1887
Pollard, G. M., Vermont	June 30, 1885
Pullen, L. W., Kansas	....do .....
Patterson, H. C., Illinois	June 29, 1885
Perkins, J. D., Virginia	Aug. 20, 1885
Page, W. R.,[1] Ohio	[16]June 30, 1888
Patton, H. N.,[1] Ohio	....do .....
Quinby, I. W., Ohio	Aug. 10, 1885
Read, G. H., New Hampshire	Sept. 19, 1886
Rogers, Henry,[1] Pennsylvania	May 31, 1885
Roberts, R. E., Pennsylvania	Aug. 3, 1887
Rice, F. H., Ohio	Nov. 30, 1887
Ragsdale, M. S.,[1] Indiana	June 30, 1885
Reeve, H. D., Iowa	June 30, 1885
Richhart, R. S.,[1] Indiana	Nov. 18, 1886
Roberts, T. H.,[1] New York	June 25, 1885
Reeves, W. C., Virginia	June 30, 1888
Reed, C. A., New Jersey	June 30, 1885
Rees, Luther, Kansas	June 30, 1885
Richardson, E. J.,[1] Indiana	June 30, 1888
Richards, H. A., Wisconsin	June 30, 1885
Rockwood, C. B., Minnesota	June 30, 1886
Schwickardi, R. B.,[1] Virginia	June 30, 1885
Stone, L. D., Minnesota	Apr. 30, 1887
Shelley, W. C., Tennessee	Oct. 31, 1886
Sullivan, W. T.,[1] Missouri	Apr. 30, 1885

[1] Served in Army or Navy.
[2] Reinstated May 24, 1887.
[3] Reinstated July 1, 1887.
[4] Reinstated March 12, 1889.
[5] Reinstated March 17, 1886.
[6] Reinstated June 28, 1887.
[7] Reinstated January 18, 1887.
[8] Reinstated December 17, 1887.
[9] Reinstated November 1, 1887.
[10] Reinstated June 13, 1889.
[11] Reinstated September 7, 1885.
[12] Reinstated December 15, 1886.
[13] Reinstated Aug. 1, 1885.
[14] Reinstated Mar. 21, 1889.
[15] Reinstated Jan. 1, 1886.
[16] Reinstated Sept. 25, 1888.

Name and State.	Date of dismissal.	Name and State.	Date of dismissal.
Sturgis, L. I., Iowa	June 30, 1885	Turpin, W. J., [2] Indiana	Sept. 15, 1887
Simms, S. A. W., District of Columbia.	[1] Apr. 25, 1887	Thomas, Lorenzo, [2] Maryland	Dec. 31, 1887
Shepherd, E. S., Connecticut	June 30, 1885	Tibby, W. C., New Jersey	June 30, 1885
Smith, H. P., Ohio	June 30, 1885	Terry, O. C., [2] Indiana	June 30, 1885
Stoddard, B. M., Minnesota	June 30, 1885	Van Doren, W. T., [2] Missouri	Mar. 31, 1888
Switzer, C. J., Ohio	June 30, 1885	Van Dyke, W. M., [2] Indiana	[6] Mar. 10, 1888
Sanders, N. T., [2] Rhode Island	June 30, 1885	Vinal, J. F., West [2] Virginia	June 15, 1885
Stibolt, C. H., Iowa	Sept. 16, 1885	Vandiver, W. W., North Carolina	July 5, 1887
Stewart, H. R., [2] Pennsylvania	Mar. 20, 1887	Vincent, E. L., New York	Sept. 5, 1887
Shirk, S. W., Pennsylvania	May 31, 1886	Weeks, Alonzo, Maine	June 10, 1887
Sebrell, J. N., Virginia	June 30, 1885	Walton, J. W., [2] Ohio	Feb. 9, 1887
Smith, T. S., Tennessee	June 15, 1886	Whelpley, C. L., Maine	Aug. 20, 1887
Sundell, C. G., Illinois	July 31, 1887	Welborn, E. B., Mississippi	Mar. 10, 1887
Seldner, Louis, Georgia	Aug. 31, 1888	Wheeller, J. W., [2] Ohio	Mar. 20, 1886
Soehngen, A., Illinois	Dec. 5, 1886	Wilson, T. F., [2] Colorado	June 30, 1885
Slater, J. S., New York	May 31, 1887	Watkins, L. P. M., Alabama	Sept. 19, 1886
Safford, D. J., [2] Vermont	Dec. 30, 1886	Whitney, C. N., Illinois	[7] May 31, 1885
Singletary, E., North Carolina	[3] Apr. 5, 1887	Watson, M. A., [2] Michigan	June 30, 1885
Stevens, W. N., Virginia	Feb. 28, 1886	Ward, W. E., [2] Iowa	Oct. 10, 1888
Sherman, G. S., [2] District of Columbia.	June 30, 1885	Worsham, W. W., Virginia	July 31, 1886
Sloan, C. D., New York	[4] June 30, 1885	Wolston, J. R., [2] Maine	June 15, 1885
Stewart, G. W., District of Columbia.	June 30, 1885	Welby, J. M., Illinois	July 7, 1888
Smith, T. J. (No. 1), Illinois	June 30, 1885	Werner, P. P., New York	Oct. 16, 1886
Saole, W. H., Ohio	June 30, 1885	Whitacre, J. D., Indiana	Aug. 29, 1887
Smith, E. T., Michigan	June 30, 1885	Wilson, C. C., New Jersey	Oct. 24, 1887
Smith, Daniel, [2] District of Columbia.	Nov. 30, 1887	Worthington, H. G., South Carolina	June 30, 1885
St. John, C. H., Colorado	June 30, 1885	Wilson, J. C., South [2] Carolina	Sept. 15, 1887
Shouse, J. W., Kentucky	[5] June 30, 1885	Wallace, H. H., [2] Ohio	Aug. 31, 1887
Stoddard, C. J., [2] Vermont	June 5, 1887	Williams, W. H., Illinois	[8] June 30, 1885
Smith, T. J. (No. 2), Illinois	Nov. 17, 1887	Wells, G. C., Virginia	Sept. 18, 1886
Toncray, A. R. P., [2] Tennessee	Sept. 30, 1886	Warner, J. E., Virginia	June 30, 1885
Tierney, M., Florida	May 7, 1888	Whitman, V. H., Massachusetts	June 30, 1886
Taylor, C. D., Iowa	June 30, 1885	Whyte, G. W., Illinois	June 30, 1885
True, L. C., [2] Kansas	Feb. 29, 1888	Watson, W. W., Indiana	....do .....
		Woodward, W. H., [2] Illinois	Apr. 15, 1885
		Wilcox, A. D., Texas	[9] Mar. 18, 1886
		Zevely, Bartram, District of Columbia.	Apr. 15, 1888

[1] Reinstated May 1, 1887.
[2] Served in Army and Navy.
[3] Reinstated June 1, 1887.
[4] Reinstated Aug. 1, 1885.
[5] Reinstated Sept. 12, 1885.
[6] Reinstated Feb. 28, 1889.
[7] Reinstated June 1, 1885.
[8] Reinstated Aug. 1, 1885.
[9] Reinstated March 19, 1886.

Number of civilians	191
Number of soldiers	126
Total	317
Number dismissed	317
Number reinstated	28
Total	289

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 7, 1892.

I hereby certify that the foregoing is a true and correct list, showing the dismissals from the Pension Bureau from March 7, 1885, to March 26, 1889.

O. P. HALLAM,
Assistant Chief Clerk.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, June 1, 1892.

Dismissals of clerks in the classified service from October 21, 1889, to the present date who have not been reinstated.

Name.	Date of dismissal.	Name.	Date of Dismissal.
Bogy, Lewis V	[1] Nov. 15, 1891	Ohren, George C	[1] Dec. 31, 1889
Dugan, James [2]	[1] Jan. 26, 1891	Peed, Henry A [2]	[1] Dec. 31, 1889
Fleming, George B	[1] Jan. 25, 1890	Pollock, John P	Dec. 31, 1890
Falls, Moore S	[3] Jan. 31, 1891	Renaud, Edward [2]	[1] Aug. 31, 1890
Gardner, William D	[3] Apr. 10, 1891	Sumerlin, Ivan	Feb. 10, 1890
Hodgson, Valentine M	[1] June 30, 1891	Smith, William P	May 9, 1891
Helpbringer, William H [2]	[1] Jan. 25, 1890	Simms, Jesse B	[1] July 31, 1891
Hersey, Samuel R	[1] Jan. 31, 1890	Turner, Lucien M [2]	[1] Feb. 6, 1891
Johnson, James L	May 9, 1891	Thompson, William W	Oct. 23, 1889
Jackson, Benjamin C	Feb. 28, 1891	Wilcox, Edward A	[1] June 30, 1891
Lynch, William P	Dec. 31, 1889	Webber, Frederick N	[1] Aug. 15, 1891
Fawcett, Thomas R [2]	[1] June 30, 1891	Wolf, Parrit B [2]	Dec. 20, 1889
Meagher, Francis [2]	[3] Jan. 25, 1890		

[1] For cause. [2] Served in Army or Navy. [3] Drunkenness.

Total number, 26.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, June 1, 1892.

I hereby certify that the foregoing is a true and correct list showing dismissals (of clerks who have not been reinstated) in the Pension Bureau from October 21, 1889, to the present date.

O. P. HALLAM,
Assistant Chief Clerk.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 8, 1892.

List of persons in classified service, dismissed from March 27 to October 19, 1889.

Name and State.	Class.	Date of dismissal.
Alcorn, Harry J., Pennsylvania	Laborer	Apr. 12.
Abernathy, Jas. T., Ohio [1]	Watchman	Mar. 31.
Austin, Fred. H., Missouri	Special examiner	June 30.
Andrews, Sullivan C., Maine	2	June 30.
Buchanan, E. Key, Maryland	4	July 25.
Burnham, Jno. J., Rhode Island	Special examiner	June 30.
Bridges, Walter S., Illinois	Special examiner	May 10.
Brandt, Wm. E., Indiana [1]	Quartermaster surgeon	July 8.
Barton, Philip H., Illinois [1]	A. M. ref	Apr. 15.
Buskirk, Edward C., Indiana	Principal examiner	July 2.
Burgee, Edward E., New Jersey	Fireman	June 30.
Bratton, J. R., Maryland	Laborer	Aug. 25.
Brown, Walter, Missouri	4	July 31.
Britton, Oscar F., Illinois	Special examiner	June 30.
Brown, Mrs. M. V., Tennessee	$1,200	[2] July 31.
Barringer, Ernest A., Kentucky	Special examiner	Apr. 27.
Browning, Quincy E., Illinois	Special examiner	July 4.
Bennett, Thos. J., Connecticut	Special examiner	June 30.
Birdseye, M. B., New York [1]	Special examiner	Apr. 23.
Broocke, W. L., Oregon	Special examiner	June 30.
Carpenter, J. E., Tennessee [1]	Medical reviewer	July 8.
Craig, Elizabeth, District of Columbia	Charwoman	June 5.
Corcoran, Mrs. M. J., District of Columbia	Charwoman	Aug. 20.
Cannon, C. W., Texas	Special examiner	June 30.
Crowe, Daniel, Indiana	Messenger	May 31.
Coit, J. B., Connecticut [1]	Chief of division	Apr. 24.
Cox, W. L., Indiana	Special examiner	June 30.
Claudy, J. M., Pennsylvania [1]	Special examiner	May 25.
Cole, J. C., Delaware	Special examiner	June 30.

[1] Served in Army or Navy. [2] Reinstated March 8, 1890, $900.

Name and state.	Class.	Date of dismissal.
Carusi, S. P., California	Special examiner	June 30.
Crutchfield, G. A., Texas	Special examiner	June 30.
Dunnavant, J. C., District of Columbia	Messenger	July 31.
Dunneback, F. E., Michigan	Messenger	May.
Davis, C. T., District of Columbia	2	Apr. 7.
Davis, C. F., Iowa	Special examiner	June 30.
Davis, S. S., Maryland	Special examiner	Apr. 15.
Darling, F. I., Illinois	Special examiner	June 30.
Downey, S. R., Indiana	Special examiner	June 30.
Duffey, S. G., Ohio	Special examiner	July 31.
Eisenstein, C. F., Ohio	3	May 10.
Fawcett, T. R., Illinois[1]	2	[2]May 31.
Forbes, C. T., Arkansas	2	May 2.
Freeman, C. M., New Jersey	Medical examiner	July 16.
Faunce, G. T., District of Columbia	Laborer	April 5.
Fitzhugh, J. S., Texas	Laborer	Aug. 15.
Fraser, H. L., New York	Watchman	June 15.
Farrar, O. W., New Hampshire	Special examiner	June 30.
Graham, J. A., North Carolina	Special examiner	[3]June 30.
Gitt, D. L., Missouri	Principal examiner	May 21.
Geddes, Andrew, Iowa[1]	1	[4]June 20.
Green, R. A., South Carolina	Watchman	April 8.
Goodlove, Wm. M., Ohio[1]	Qualifying surgeon	July 8.
Garrison, E. J., Alabama	Special examiner	June 30.
Gray, Ormsby, Kentucky	Medical examiner	July 16.
Gleason, J. H., New York[1]	Watchman	June 9.
Gallion, E. D., Virginia	Special examiner	May 5.
Garrett, W. C., Alabama	Special examiner	June 30.
Hall, G. W., Rhode Island	$1,000	[5]Apr. 12.
Huse, Thos., Massachusetts	2	Apr. 23.
Hammer, J. H., District of Columbia	$1,000	Aug. 20.
Hoover, S. B., Delaware	Watchman	May 31.
Hilligoss, W. J., Indiana	Chief of division	July 20.
Henry, J. A., Tennessee	$720	July 31.
Hutcheson, Robt., Louisiana	1	July 1.
Houser, Jos., Illinois	1	May 25.
Hoge, R. G., Iowa[1]	Special examiner	Apr. 25.
Harnsberger, W. H., Illinois	Special examiner	June 30.
Hostetter, R. B., Illinois	Special examiner	June 30.
Irvine, H. L., Pennsylvania[1]	Fireman	July 2.
Ingram, Albin P., Illinois	Special examiner	June 30.
Johnson, Jeff., Virginia	Laborer	Aug. 15.
Jones, G. S., Indiana[1]	2	May 10.
Kessler, G. R., Illinois	8	May 15.
Kelly, W. C., Tennessee	1	Apr. 20.
Kinkade, J. H., Ohio	Special examiner	June 30.
Kearn, F. W., Ohio	1	May 20.
Knight, J. G., Wisconsin[1]	Special examiner	Apr. 20.
Limbach, Jos., Ohio	Special examiner	[6]May 20.
Leonard, W. D., Mississippi	$900	July 2.
Longshaw, L. M., Alabama	Principal examiner	July 17.
Lesher, Wm., Kansas	$1,000	Apr. 30.
Ladd, A. B., Kansas	$900	Apr. 25.
Louts, J. M., Indiana	Special examiner	June 30.
Lyttle, Wm., Ohio	$660	Aug. 15.
Lux, John, New York	Special examiner	Apr. 25.
Lynch, W. P., New York	Special examiner	Dec. 31.
Maguire, John, Florida	$840	[7]Aug. 15.
Myers, Abram, Illinois[1]	Special examiner	[8]Apr. 25.
Mills, G. D., Florida	3	June 15.
Myers, Jas., New Jersey	Watchman	Apr. 25.
Miller, Mrs. E. V. D., Mississippi	Stenographer	June 30.
Morgan, Wm., Illinois	$840	Sept. 5.
McMonagle, Niel, Pennsylvania[1]	$1,000	July 20.
Morton, Edward, District of Columbia	$400	Aug. 19.
Morgan, D. O., Georgia	$400	Aug. 9.
Mahon, J. F., Illinois	Special examiner	June 30.
Moore, G. M., Missouri	Special examiner	May 10.
Magee, T. N., Pennsylvania	Special examiner	Apr. 20.
McGuire, W. H., Indiana	Special examiner	Apr. 25.
McDaniel, B. P., Illinois[1]	Special examiner	May 10.
Miller, M. B., Indiana	Special examiner	Apr. 25.
Miller, G. M., Kentucky	Special examiner	May 5.
McCarthy, Florence, Illinois	2	Apr. 30.
McGee, J. M., Indiana	Special examiner	May 10.
O'Farrell, Hugh, Illinois	$720	Apr. 30.
Owen, McHenry, Indiana	Special examiner	June 30.
Over, Madison, Ohio	Special examiner	Do.
Pryal, A. D., California	Special examiner	[9]May 5.

[1] Served in Army or Navy.
[2] Reinstated Aug. 9, 1889.
[3] Reinstated July 30, 1889.
[4] Reinstated Dec. 17, 1890.
[5] Reinstated Mar. 8, 1890.
[6] Reinstated Aug. 17, 1889.
[7] Reinstaed Apr. 9, 1890.
[8] Reinstated Nov. 5, 1889.
[9] Reinstated May 10, 1890.

Name and State.	Class.	Date of dismissal.
Perkins, H. E., Vermont[1]	Special examiner	[2]Apr. 25.
Patterson, J. S., New Jersey[1]	3	May 31.
Purdy, J. E., Maryland	1	Sept. 22.
Peyton, J. B., Colorado	Assistant chief	Apr. 4.
Partridge, F. W., Illinois[1]	1	May 15.
Pugh, Preston, West Virginia	Messenger	Apr. 30.
Parker, Walker, District of Columbia	Messenger boy	Aug. 15.
Porter, W. M., Massachusetts[1]	2	Aug. 14.
Padgett, J. S., Maryland	Laborer	June 15.
Peters, Ezra, Illinois[1]	Special examiner	Apr. 27.
Posey, A. F., Alabama	1	Apr. 15.
Quinn, Timothy, New York[1]	1	May 31.
Rodgers, J. W., Virginia	$750	June 15.
Ragsdale, W. M., Kentucky	$1,000	Apr. 25.
Reppert, W. V., Kentucky	Principal examiner	July 31.
Ray, J. E. R., Tennessee	Special examiner	June 30.
Robertson, M. W., North Carolina	Special examiner	Do.
Snowden, Miss Mary, New Jersey	$1,000	[3]Do.
Squires, J. C., Pennsylvania[1]	4	July 17.
Sidman, G. D., Michigan[1]	2	Apr. 3.
Sands, Wm., Illinois[1]	Captain of watch	May 31.
Stevens, N. H., New Jersey[1]	Special examiner	June 30.
Shafer, Claudius, Indiana[1]	$720	Do.
Sullivane, Clement, Mississippi	2	Apr. 30.
Smith, E. J., Indiana[1]	2	Apr. 15.
Steed, J. B., Alabama	Special examiner	June 10.
Stocklager, T. A., Kansas[1]	Special examiner	Apr. 15.
Snyder, H. W., Tennessee	Special examiner	Apr. 30.
Stiff, H. C., Illinois	2	May 6.
St. John, jr., C. J., Tennessee	Special examiner	June 30.
Schaden, P. W., Ohio	Special examiner	Do.
Stout, J. P., Ohio	Special examiner	May 5.
Smith, O. C., Connecticut	Special examiner	June 30.
Thoman, A. E., Indiana	Messenger	May 6.
Tanner, G. W., Illinois	Messenger	May 25.
Taylor, W. A., District of Columbia	Messenger	Aug. 15.
Thomas, I. C., Pennsylvania	Special examiner	May 20.
Townsend, J. G., Maryland	Special examiner	June 30.
Veitch, R. R., Virginia	$750	May 6.
Wyatt, E. B., Virginia	$720	May 6.
Wilson, P. S., Colorado	1	May 25.
Wilcox, A. D., Texas	Special examiner	Apr. 25.
Whitehead, Chas., California[1]	Special examiner	Apr. 30.
Wallace, J. W., Tennessee	Special examiner	June 30.

[1] Served in Army or Navy. [2] Reinstated August 28, 1889. [3] Reinstated Nov. 12, 1889.

Number of civilians	118
Number of soldiers	34
Total	152
Number of soldiers reinstated	4
Number of civilians reinstated	7
Total	11

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., April 11, 1892.

I hereby certify that the foregoing is a true and correct list, showing the dismissals from the Pension Bureau from March 27 to October 19, 1889.

O. P. HALLAM,
Assistant Chief Clerk.

Work transacted through the mail division during the first three years of President Cleveland's administration, as compared with the first three years of President Harrison's administration.

Received.	3 years 2½ months of President Cleveland's administration.	3 years 2½ months of the administration of President Harrison.
Original invalid cases	131,768	148,157
Original widows' cases	52,857	76,735
Original 1812 cases	1,080	582
Original bounty-land cases	1,322	1,198
Original Navy cases	3,298	5,709
Original old war and Mexican service	28,103	6,549
Applications for increase	361,657	487,212
Applications under act of June 27, 1890	.....	854,425
Applications under accrued pension	.....	14,489
Communications from the Departments	70,708	100,794
Pieces of additional evidence	1,050,943	2,570,442
Fee agreements	168,714	357,526
Applications for transfer	3,433	4,256
Applications for new certificate	4,759	6,108
Reports from Adjutant-General	452,423	821,476
Reports from Surgeon-General	58,392	49,835
Miscellaneous letters (not inquiries)	724,790	791,927
Army and Navy special division service cards	199,319	660,689
Pension certificates returned by pension agents	124,963	231,599
Surgeons' certificates	565,934	1,106,751
Orders for medical examination returned	504,934	1,015,223
Accounts from examining surgeons	109,384	361,787
Reports and cases from special examiners	107,610	109,545
Reports from pension agents	5,276	5,567
Daily reports of special examiners	347,774	220,071
Number of dead letters returned by Post-Office Department	112,792	223,384
Credibility of witness circulars returned	302,968	264,291
Congressional communications	237,480	512,874
Letters of inquiry	480,583	3,552,785
Applications for arrears (act January, 1879)	78	.....
Applications for arrears (act March 3, 1883–'85, etc.)	1,085	.....
Total	7,214,184	14,561,940
Number of foreign letters sent—postage prepaid	1,801	4,923
Number of blanks sent	.....	58,182
Total number of letters sent out	5,186,474	9,534,896
Calls on Adjutant-General sent (not included in letters sent)	483,768	821,606
Calls on Surgeon-General sent (not included in letters sent)	55,659	.....
Total	5,759,101	10,452,308

Comparative statement showing the number of medical examinations made by the Bureau of Pensions from March 1, 1885, to June 30, 1888, and from March 1, 1889, to April 30, 1892.

President Cleveland's administration.	Number.	President Harrison's administration.	Number.
Mar. 1, 1885, to June 30, 1885	55,664	Mar. 1, 1889, to June 30, 1889	54,033
July 1, 1885, to June 30, 1886	177,191	July 1, 1889, to June 30, 1890	244,150
July 1, 1886, to June 30, 1887	176,116	July 1, 1890, to June 30, 1891	474,680
July 1, 1887, to Apr. 30, 1888	150,779	July 1, 1891, to Apr. 30, 1892	386,039
Total number ordered during period above	559,750	Total number ordered during period above	1,158,902

Comparative statement showing the number of pension certificates issued by the Bureau of Pensions, from March 4, 1885, to April 30, 1888, and from March 4, 1889, to April 4, 1892.

PRESIDENT CLEVELAND'S ADMINISTRATION.

Date.	Originals.	Increase, etc.	Total.
March 4 to June 30, 1885	16,923	10,778	27,701
July 1 to June 30, 1886	40,857	50,570	91,427
July 1 to June 30, 1887	55,194	57,146	112,340
July 1 to April 30, 1888	46,125	44,899	91,024
Grand total			322,392

PRESIDENT HARRISON'S ADMINISTRATION.

March 4 to June 30, 1889	21,986	23,353	45,339
July 1 to June 30, 1890	66,637	85,021	151,658
July 1 to June 30, 1891	156,482	94,083	250,565
July 1 to April 30, 1892	188,396	73,130	261,526
Grand total			709,088

Number of claims allowed during the administration of President Cleveland	322,392
Number of claims allowed during administration of President Harrison	709,088
Difference and increase in number of certificates issued during both administrations	386,696

Table showing work of Pension Bureau and disbursements for pensions for each of the fiscal years 1885, 1886, 1887, and 1888, compared with work thereof and disbursements for pensions during fiscal years 1889, 1890, and 1891, and ten months of 1892.

Fiscal year ending June 30.	Number of pensioners.		Number of pensioners added to roll by original and restored allowance.	Number of increase and reissue cases allowed.	Net increase to roll.	Disbursements for pensions.	Cost of disbursement.	Cost to disburse each dollar.	Average cost to pay each pensioner.
	At beginning of year.	At close of year.							
1885	322,756	345,125	37,602	33,985	22,369	$64,933,288.12	$278,455.47	$0.0042	$0.833
1886	315,125	365,783	43,086	*113,271	20,658	63,797,831.61	294,809.03	.0046	.829
1887	365,783	406,007	57,901	32,107	40,224	73,467,581.87	248,280.42	.0033	.643
1888	406,007	452,557	62,280	45,716	46,550	78,775,861.92	263,101.62	.0033	.612
Total	.....	.....	200,869	225,079	129,801	280,974,563.52	1,084,646.54	†.0035	†.729
1889	452,557	489,725	53,675	71,198	37,168	88,275,113.28	279,531.73	.0031	.593
1890	489,725	537,944	68,538	77,563	48,219	105,528,180.38	292,697.35	.0027	.569
1891 ‡	537,944	676,160	158,741	86,390	138,216	116,979,172.72	377,569.94	.0032	.621
1892 §	676,160	840,185	190,350	64,393	164,025	‡100,520,798.78	†357,813.37	.0035	.461
Total	.....	.....	471,304	299,544	387,628	‡411,303,265.11	†1,307,612.39	†.0031	†.561

* This includes 79,717 cases of widows, minors, and others, in which the rate was increased from $8 to $12, by act of March 19, 1886, and in which no adjudication was necessary.

† Average.

‡ To March 31, 1892.

§ Ten months.

MEMORANDUM.—The former administration is credited with the whole fiscal year 1885, and the present administration with the whole fiscal year 1889.

RECAPITULATION.

Amount disbursed for pensions during 1885, 1886, 1887, and 1888	$280,974,563.52
Cost of disbursement	1,084,646.54
Average cost of disbursing one dollar during said period	0.0035
Average cost of paying one pensioner	0.729
Amount disbursed during 1889, 1890, 1891, and nine months of 1892	411,303,265.11
Cost of disbursement	1,307,612.39
Average cost of disbursing one dollar during said period	0.0031
Average cost of paying one pensioner	0.561

Total number of original and restoration cases allowed during 1885, 1886, 1887, and 1888	200,889
Total number of original and restoration cases allowed during 1889, 1890, 1891, and ten months of 1892	471,304
Excess in latter period	270,435
Total number of increase and reissue cases allowed in 1885, 1886, 1887, and 1888	*225,070
Total number of increase and reissue cases allowed in 1889, 1890, 1891, and ten months of 1892	299,544
Excess in latter period	74,465
Total number of pensioners added to rolls during 1885, 1886, 1887, and 1888	200,889
Total number of pensioners added to rolls during 1889, 1890, 1891, and ten months of 1892	471,304
Excess during latter period	270,435

Comparative statement showing the number of claims allowed, the number of employés, the amount of money expended in the Bureau of Pensions for salaries of clerks and special examiners, and the cost of adjudicating claims per case, from March 1, 1885, to April 30, 1888, and from March 1, 1889, to April 30, 1892.

PRESIDENT CLEVELAND'S ADMINISTRATION.

Claims adjudicated.	Number of employés.	Salaries, clerks and special examiners.	Cost of investigation of claims.	Cost of, per case.
822,392	1,554	$6,288,960.38	$1,404,234.33 6,288,960.38	$25.85
			7,693,194.71	

PRESIDENT HARRISON'S ADMINISTRATION.

709,088	2,009	$6,962,766.95	$1,024,120.73 6,962,766.95	$11.13
			7,986,887.68	

Difference in the cost of adjudicating claims during both administrations (per case) $12.72

NOTE.—During the period from March 4, 1889, to April 30, 1892, the official force was increased by law from 1,554 to 2,009 persons.

Statement of calls upon War Department for medical and military evidence of claimants during the first three years of President Cleveland's administration as compared with the first three years of President Harrison's administration.

President Cleveland's administration.	Number.	President Harrison's administration.	Number.
Calls on Adjutant-General sent (not included in letters sent)	483,768	Calls on Adjutant-General sent (not included in letters sent)	821,696
Calls on Surgeon-General sent (not included in letters sent)	55,659	Calls on Surgeon-General sent (not included in letters sent)	.....
Total	539,427	Total	821,696

I also lay before the committee reports of the chiefs of the five adjudicating divisions of the Bureau of Pensions, showing the condition of the "completed files," April 2, 1892, from which it will be seen that there were 170,891 cases ready for trial.

These cases are all represented by cards showing the date of the completion of the claims, and the cards are arranged in the order of these dates. As examiners require work these cards are taken from the boxes in the order of the date of the completion of the cases and the

* And besides, this number includes 79,717 cases of widows, minors, and others, which were increased by act of March 19, 1886, and which required no adjudication.

file clerks draw from the files the cases represented by the cards and place them upon the desks of examiners for action.

This is the system created by orders 149 and 151, and all cases settled in the office are drawn from the files by this plan.

Operations of the completed files in the old War and Navy division, week ending April 2, 1892.

	Original.	Increase, new disability, and miscellaneous.	Act June 27, 1890.	Grand total.
Number of cases on hand				7,242
Number of cases received during week				621
Total				7,863
Number found complete	90	77	321	
Sent to pending files	201	58	378	
Transferred	3	2	18	
Total number disposed of	294	137	717	1,148
Number of cases remaining undisposed of				6,715

All of the cases are so arranged that they are drawn for adjudication in the order of the date of filing of the last piece of evidence.

Very respectfully,

J. W. FILER,
Chief of Old War and Navy Division.

Hon. G. B. RAUM,
Commissioner of Pensions.

Operations of the completed files in the eastern division, week ending April 2, 1892.

	Original.	Increase, new disability, and miscellaneous.	Grand total.
Number of cases on hand March 26	22,017	21,777	43,794
Number of cases received during week	2,354	445	2,799
Total	24,371	22,222	46,593
Number found complete	1,106	438	1,544
Sent to pending files	1,054	293	1,347
Transferred	76		76
Duplicates	127		127
Total number disposed of	2,363	731	3,094
Number of cases remaining undisposed of			43,499

All of the cases are so arranged that they are drawn for adjudication in the order of the date of filing of the last piece of evidence.

Respectfully submitted.

WARNER WILHITE,
Chief Eastern Division.

Operations of the completed files in the middle division, week ending April 2, 1892.

	Original.	Increase, new disability, and miscellaneous.	Grand total.
Number of cases on hand	33,178	18,501	
Number of cases received during the week	2,988	404	
Total	36,166	18,905	55,071
Number found complete	2,011	490	
Sent to pending files	3,812	339	
Total number disposed of	5,823	829	6,652
Number of cases remaining undisposed of			48,419

All of the cases are so arranged that they are drawn for adjudication in the order of the date of filing of the last piece of evidence.

Very respectfully,

W. N. REYNOLDS,
Chief Middle Division.

Hon. GREEN B. RAUM,
Commissioner of Pensions.

Operations of the completed files in the western division, week ending April 2, 1892.

	Original.	Increase, new disability, and miscellaneous.	Grand total.
Number of cases on hand	19,310	27,964	47,274
Number of cases received during week	711	649	1,360
Total	20,021	28,613	48,634
Number found complete	538	815	
Sent to pending files	316	207	
Transferred	1		
Duplicates		13	
Total number disposed of	855	1,035	1,890
Number of cases remaining undisposed of			46,744

All of the cases are so arranged that they are drawn for adjudication in the order of the date of filing of the last piece of evidence.

R. A. DURNAN,
Chief Western Division.

Operations of the completed files in the southern division, week ending April 2, 1892.

	Original.	Increase, new disability, and miscellaneous.	Grand total.
Number of cases on hand	17,936	10,399	28,335
Number of cases received during week	807	933	1,740
Total	18,743	11,332	30,075
Number found complete	1,174	619	1,793
Sent to pending files	1,580	256	1,836
Transferred	64	228	292
Duplicates	640	.....	640
Total number disposed of	3.458	1,103	4,561
Number of cases remaining undisposed of	15,285	10,229	25,514

All of these claims are so arranged that they are drawn for adjudication in the order of the date of filing the last piece of evidence.

F. H. ALLEN,
Chief Southern Division.

STATEMENT OF HON. JOSEPH J. LITTLE.

Mr. LITTLE said:

Mr. Chairman and gentlemen of the committee, I find that a session of the committee was held on June 1, while I was absent, and there was a letter introduced and printed in the record from Gen. Bussey, Assistant Secretary of the Interior, referring to some matters which occurred at a meeting of the committee away back in March, so full of misstatements referring to me personally that I wish to correct it. The letter states as follows:

DEAR SIR: While testifying before your committee I was asked whether claimants without an attorney received the same consideration as those having an attorney. I answered that they did. Hon. Joseph J. Little stated that he knew a soldier who had made repeated efforts to obtain an increase of his pension without success, but who finally employed an attorney, who secured an increase without delay. I doubted this statement at the time and asked Mr. Little to give me the name of the soldier. I forward herewith a copy of his letter of the 6th instant, giving me the name of Frank A. Wilder, Company E, Forty-fourth Regiment New York Volunteers——

Then the latter part of the letter closes in this way:

Mr. Little's statement conveying the impression that his case had been neglected was telegraphed all over the United States. In the great majority of cases where complaints have been made an examination will show that the Pension Bureau has not been at fault. I therefore desire to submit these papers as a part of my evidence before the committee.

This letter from Gen. Bussey is dated March 8, 1892, but it does not appear before this committee, as far as I learn, until June 1, during my absence. I never said I knew such a soldier, and Gen. Bussey contradicts himself when he refers to page 163 as stating the case. What I did state was this: I first asked the question, "Do you think the intervention of an attorney assists a soldier to get a larger pension?" And the witness answered, "No, sir." Then I said, "I received a letter last night which I intended to bring here, and which I will do later, from a stranger"—I want to call attention to that; the general says I knew the soldier, whereas I was very particular to state I received a letter from a stranger—"saying he had applied for a pension on three different occasions and had been awarded a pension; that at three different times he had been before a medical board under orders of the Pension Office, and in each case they had reported he was entitled to a larger pension than he got, and each time his application was returned from the Pension Office that he was not entitled to it." I do not need to read the whole statement as it is on record, but Gen. Bussey calls attention to my letter conveying to him the information who this person was, and I want to read that to show how careful I was not to claim any knowledge of who the person was. My letter to him was dated March 6, in which I stated:

MY DEAR GENERAL: I went over to New York Friday afternoon and have just returned, and send you the name of the person to whom I referred on Friday as claiming through an attorney he had promptly obtained an increase, whereas he had been repeatedly refused upon direct examination.

Now, it seems to me that Gen. Bussey's statement is very wide of the facts, and inasmuch as this carefully written letter was dated March 8, and not presented here until June 1, it seems to me it must have been deliberately planned, if not willfully, to have this go before the country as if I had claimed knowledge of something in the office, which is

here completely refuted, and I want to have this made right. I never claimed to have knowledge of that man, as the record shows, and why Gen. Bussey should put this in in my absence, nearly three months after it was written, I am at a loss to understand, and I am surprised at his conduct.

Mr. BROSIUS. I desire to say, to go upon the record in connection with the observation of the member of the committee, that the animadversions of Mr. Little upon the Assistant Secretary of the Interior are not justified by any statement that he has made in relation to the alleged mistakes or misstatements of the letter of the Assistant Secretary.

Mr. LITTLE. I just wish to say one word additional. My statement is made upon the record and I think it is fully justified by the record. Explanations may modify it.

TESTIMONY OF E. G. RATHBONE—Recalled.

E. G. RATHBONE recalled and examined.

By Mr. ENLOE:

Q. In your examination before this committee you made a statement that Francis M. Taylor along in the summer or fall of 1891 made an application for appointment as post-office inspector under you, or asked to be transferred from his position as a pension examiner to that of a post-office inspector; how was that application made?—A. Verbally.

Q. Where did that conversation occur between you and Mr. Taylor?—A. In the office of the chief post-office inspetor, Post-Office Department.

Q. What was the conversation between you and him about?—A. About the transfer.

Q. What did he say to you about it?—A. I do not know I can give you the exact language.

Q. Well, in substance.—A. The testimony you have just read there as to the date I am not certain about that, but the fact, without attempting to give his language, was that he asked if he could not be transferred from the Pension Office to a position as a post-office inspector.

Q. Was that while he was employed as a Pension Office examiner?—A. I think so.

Q. Or was it after he had been retired from that office?—A. I think he was a pension examiner at that time.

Q. Have you any means by which you can arrive at somewhere near the date of that conversation?—A. No, sir, I have not, because there were so many applications for transfer and for appointment that I only remember in a general way that applications were made; most of which were made in writing, and some verbally.

Q. To whom should applications be made?—A. Well, the Postmaster-General has the appointment or would ask for a transfer, but matters of that kind are referred to me or——

Q. Did the Postmaster-General refer this to you?—A. No.

Q. Did you have any talk with the Postmaster-General about it?—A. No.

Q. Was there any written application filed with you or with the Postmaster-General?—A. I think not; I do not remember any. The files in my office fail to disclose any written application.

Q. Do you know whether or not it is necessary for an applicant to pass a civil-service examination before the transfer can be made?—A. It is.

Q. Do you know whether Mr. Taylor has stood any civil-service examination for that purpose?—A. No, sir; he could not stand a civil service examination until after the Postmaster-General had requested the Civil Service to allow him to take what they call the noncompetitive examination.

Q. Does the Postmaster-General require a formal application in writing to be made before making the appointment?—A. No, sir; not always.

Q. It is sometimes done on verbal applications?—A. Yes, sir.

Q. Would the name of a person properly come to you for your consideration as chief post-office inspector, who had made a formal application to the Postmaster-General; would it be referred to you for your consideration by the Postmaster-General?—A. These applications are made both ways, as I stated a moment ago; often they are made by written application.

Q. That is not the question.—A. Then I guess I did not quite apprehend the question.

Q. Were you in the habit of examining into the character of men who might want to be transferred, and then suggest to the Postmaster-General that those persons wanted to be appointed?—A. Yes, sir; for the purpose of determining whether or not the applicant was a proper person for a post-office inspector.

Q. Will you name some case in which an application was made in that way in which you made a recommendation to the Postmaster-General?

Mr. LIND. What is the purpose of this, to test the veracity of the witness?

Mr. ENLOE. It is proper cross-examination of the witness. He has testified here before, and it is also to ascertain the methods of business, and of course it goes to the veracity of the witness. (To the witness.) Will you name some case in which an application was made direct to you and you made an inquiry and recommended to the Postmaster-General that such person be transferred?

A. I could not attempt to do so from memory, but if you will give me two or three hours' time I will endeavor to cite one or more cases of that kind.

Q. Would your recommendation made in that way be a matter of record in the office of the Postmaster-General?—A. In this way, yes. You take Mr. Taylor's case for example. If I had recommended to the Postmaster-General that we ask for a noncompetitive examination for Mr. Taylor, I would prepare a letter for the signature of the Postmaster-General, addressed to the Civil Service Commission, asking that this applicant be allowed a noncompetitive examination, and that letter would bear my initials up in the upper left-hand corner.

Q. And would be of record in the letter-book of the Postmaster-General with those initials copied in the letter-book?—A. Either in his book or the book in my office.

Q. Well, if it is in a book in your office would it have the signature of the Postmaster-General to it?—A. Yes, sir. I might say to the committee, if you will permit me, that there are quite a number of cases in which persons would apply to me for transfer and I would consider it, and if I considered it favorably and asked the Postmaster-General

to ask for a transfer, I would ask the applicant to file a formal application after I had determined to ask for his transfer.

Mr. ENLOE. Does it require any political influence to get a position as post-office inspector?

Mr. LIND. Now, we have nothing to do with that, Brother Enloe, and I protest against going into a personal investigation of the Post-Office Department.

Mr. ENLOE. If he says it does not require any influence, that is an answer to the question; and if he says it does, I am going to ask the question what influence Mr. Taylor brought to bear to secure his transfer to that service.

Mr. LIND. I do not see that it is a matter at all material.

The CHAIRMAN. You might ask him if he did bring any influence to bear.

By Mr. ENLOE.

Q. Did Mr. Taylor bring any influence to bear to get a transfer?—A. I do not think he did.

Q. Did anybody else ever talk to you about it?—A. I am not certain as to that.

Q. Did Gen. Raum ever talk to you about Mr. Taylor's transfer?—A. No.

Q. Did you ever tell Gen. Raum he had applied for a transfer?—A. No, I think not. I do not think I had any conversation with Gen. Raum about Mr. Taylor.

Q. Did you have any conversation with Mr. Lineweaver about it?—A. Mr. Lineweaver came to the Post-Office Department with a letter from the Commissioner of Pensions asking for copies of certain statements which you have in your record.

By the CHAIRMAN:

Q. Do you know how Gen. Raum got such information that you had such papers?—A. No, sir.

Q. You do not know anything about that?—A. No, sir.

By Mr. ENLOE:

Q. Was that letter addressed to you or to the Postmaster-General?—A. I think I have the letter here (examining same). It is addressed to the Postmaster General.

Q. Was it delivered to the Postmaster-General or delivered to you?—A. I do not remember now.

Q. Did Mr. Lineweaver bring you this letter when he came to your office?—A. I do not remember, but I should judge by the marks on that letter that it went to the Postmaster-General and was referred to me, but I have no distinct recollection of it.

Q. Who had you told about this examination into Mr. Taylor's character, if you remember?—A. I have talked with quite a number.

Q. I mean before this letter was written?—A. I do not remember any particular person I talked with. I may have talked with someone, but I do not remember. I presume I did talk with my successor, Col. Wheeler, but I have no recollection of that until this thing was a matter of investigation.

Q. Do you recollect now whether you had a conversation with Mr. Wheeler about it?—A. No, sir.

Q. You do not say you did not?—A. No. I did have a conversation with Mr. Dice, who is inspector in charge of the St. Louis division,

and I gave him a memorandum of what I desired; inquired of Mr. Taylor and asked him to send some officer over to Belleville, who I believe sent some officer from St. Louis with instructions to make a careful, discreet inquiry, without exciting any suspicion that an inquiry was being made, for the purpose of ascertaining whether or not these things were true as alleged in regard to Mr. Taylor.

Q. Who called your attention to those matters at Belleville about Mr. Taylor?—A. I do not remember. I think the chairman asked me that question when I was here before.

Q. You had the names of those two witnesses?—A. No, sir.

Q. You did not have those names?—A. No, sir.

Q. Do you know whether you had a conversation with John M. Turnbull on the subject?—A. I do not think I know him.

Q. You can not think of anybody with whom you talked about it at the time you made this memoranda?—A. No, sir; I can not recall it. I had a memorandum which I made concerning Mr. Taylor and which memorandum I turned over to Mr. Dice and asked him to make a careful inquiry.

Q. Did not you know Commissioner Raum wanted to get this information about Mr. Taylor?—A. No, sir.

Q. Have you never had any conversation with anybody connected with the Pension Office about it?—A. No, sir; I do not believe I had any conversation with anybody except his private secretary.

The CHAIRMAN. Mr. Lineweaver?

The WITNESS. I think that is the name; he is a young man.

By Mr. ENLOE:

Q. What did you learn from him about the matter?—A. I do not recollect I learned anything. I think the only conversation I had with him was at the time he asked me for copies of two letters or statements, and it seems to me he came to my office once afterwards and asked for the papers or copies of them, which I declined to give.

Q. Did not you furnish copies of the papers which were put in evidence before this committee; affidavits taken out there?—A. Yes, sir.

Q. You furnished them to Mr. Lineweaver?—A. I furnished them to the Commissioner of Pensions.

Q. But you furnished them to Mr. Lineweaver?—A. I think not. I think I sent them by mail.

Q. Are you positive about that?—A. No, sir; I am just giving you my best recollection.

The CHAIRMAN. Do not you remember stating, when you were here before, that you sent them by Lineweaver personally?

The WITNESS. No; I do not recollect that.

By Mr. ENLOE:

Q. If the Commissioner of Pensions testified that he sent Mr. Lineweaver to you and you sent these papers by Mr. Lineweaver to him, would not you accept that as a correct statement of it?—A. He would probably be correct, if his recollection was clear as to the transaction. I only remember in a general way that Mr. Lineweaver, who was, I think, the private secretary of the Commissioner, came to my office concerning these statements; and when I stated I thought they were sent by mail I am speaking only from my impression; and it seems to me it is immaterial whether it was sent by mail or whether it was sent by Mr. Lineweaver.

Q. Did you institute this inquiry on the basis of a letter referred to you by Commissioner Raum, preferring charges against Mr. Taylor?—A. No, sir.

Q. It was not a letter written from that section of country out there to Commissioner Raum, and then referred to you for this investigation?—A. No, sir.

Q. Did you have any conversation with Theodore Smith or Walter J. Brooks about this matter?—A. I do not remember whether I did about Mr. Taylor. I do recollect Mr. Smith came into my office one day, criticising Mr. Taylor about something; what it was I do not know.

Q. Was that about this time—about the time this matter was pending?—A. I do not recollect.

Q. Was it before you made an investigation into Mr. Taylor's character or afterwards?—A. I could not tell you.

Q. As chief post-office inspector, did you think you had authority to order an investigation upon the statement you say Mr. Taylor made to you about his desire for a transfer?—A. Yes, sir; I felt justified in doing it only for the purpose of ascertaining whether or not we were getting a proper man for a post-office inspector. I presume it would be proper for me to say, if you will allow me, after my conversation with Mr. Taylor, and thinking the thing over for a few days, I considered his case favorably. If I had not done so, I would not have taken any steps, and would not have thought of the thing further, but I was considering the matter favorably, and when this information came to me, for the purpose of ascertaining the truth or falsity of it, I inaugurated this inquiry.

Q. Were you in the habit of ordering inspectors to inquire into the character of persons who speak to you verbally about wanting to be employed in that service while you were chief post-office inspector?—A. Not in many cases; in some cases, yes.

Q. How many investigations were instituted upon that sort of application of which you can recollect?—A. I could recollect one.

Q. Whose was that?—A. I do not believe I am able to give you the name, but it was something like Swarangen, if I recollect it correctly.

Q. Where did he live?—A. He is here in the District.

Q. To whom did the post-office inspector make a report on this case?—A. The man who made the investigation at Belleville made his report to Mr. Dice, inspector in charge of the St. Louis division, and Mr. Dice in turn transmitted the report to me.

Q. Have you a copy of that?—A. Yes, sir.

Q. Can you submit it to the committee here?—A. I wish to say this, gentlemen, that this report is a confidential one and it was not obtained with a view of doing anybody an injustice, and I have preserved it confidential in order that it might not be used to Mr. Taylor's detriment or anybody else's. It is a confidential report, but if you gentlemen request it I will turn it over to you.

Q. I want to examine the report; I want to look at it.—A. I will say there is nothing now in the record except the written statement of those two men.

Mr. ENLOE. I want the whole business; let us have it all.

The WITNESS. There are the originals of the two statements which are in your record (handing same).

Mr. ENLOE. Let us see the others. (The witness handed over a lot of papers.) Now, I ask that all this matter be put in the record.

The CHAIRMAN. One moment there (to the witness). Why are non of these sworn to; do you know how that happened?

A. No, sir; they are simply statements.

Q. And not under oath?—A. I do not know whether they are or not

Q. Will you examine them?—A. Yes, sir; I think you are placin upon record something you ought not to put in the record, for the reaso it might be detrimental to Mr. Taylor.

The CHAIRMAN. It can not be any more than what there is in ther now.

The WITNESS. Here, gentlemen, is the memorandum upon which th inquiry was based.

Mr. PAYSON. Read it aloud, so I can hear it.

The WITNESS. I have marked it No. 1. This is the memorandum o which the inquiry was based:

One Francis M. Taylor has applied for transfer to this Department, to be made a inspector. In order to act intelligently upon his application it is necessary that should know something of his standing in Belleville, Ill., his former home and a leged legal residence.

Sometime during President Grant's first term Taylor was appointed postmaster a Belleville. He was reappointed, and shortly after his reappointment resigned. Th files of this Department fail to show why he resigned. I have been informed tha he was compelled to resign. I am also informed that he was arrested in Colorad and brought back to Belleville; that his first wife, who left him, is still living i Belleville; that his standing and reputation there are bad; that he has supporte Mr. Morrison for Congress whenever that gentleman ran.

The alleged arrest, his standing in society, his reputation as a man, and the cause which led to his resignation as postmaster are the principal points upon which I wish to be informed; but you can extend your inquiry as far as you deem justifiabl in order to make me fully acquainted with his character.

Conduct your inquiries so as not to cast any unjust reflections upon him.

The following is a copy of the report, referred to by witness, relative to the reputation of Francis M. Taylor:

[Confidential. Please return this letter with your reply.]

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTORS,
ST. LOUIS DIVISION,
St. Louis, Mo., August 10th, 1891.

Hon. E. G. RATHBONE,
Fourth Ass't P. M. General,
Washington, D. C.:

SIR: In compliance with the verbal request made by you while in Washington, I have the honor to advise you that Inspector Sullivan has made quiet inquiry relative to the standing of one Francis M. Taylor, of Belleville, Ill., the result of which is shown in his report herewith. He also secured a number of statements of citizens of Belleville regarding the standing of Taylor.

The report of Inspector Sullivan you will, under the circumstances, treat as confidential.

Very respectfully,

GEO. A. DICE,
Inspector in charge.

POST-OFFICE DEPARTMENT,
OFFICE OF POST-OFFICE INSPECTOR,
St. Louis, Mo., August 10, 1891.

GEO. A. DICE, Esq.,
Inspector in Charge, St. Louis, Mo.

DEAR SIR: I have the honor to return herewith the inquiry as to standing an reputation of Francis M. Taylor, at Belleville, St. Clair County, Illinois, with th report that I visited Belleville, Ill., on the 8th instant, and made inquiry as directe of several prominent citizens of that place, and was told by several that Col. Joh

Thomas and Charles A. Monk were two of the most intimate acquaintances of said Taylor, and could furnish me more information concerning him than any others I could find.

I secured the written statements of Col. John Thomas, Charles A. Monk, James M. Hay, P. J. Kearcher, J. A. Willoughby, and A. S. La Turno, all truthful and reputable citizens of Belleville, Illinois, and acquaintances of long standing with F. M. Taylor, which are herewith transmitted and marked Exhibits A, B, C, D, E, and F, respectively.

Of the persons making the statements Col. Thomas and C. A. Monk were his particular friends and backers, and all of them expressed no ill-feeling or unfriendliness toward Mr. Taylor.

Several other citizens of Belleville, whom I interviewed, said that while they regarded Taylor's standing as rather hazy and that he left Belleville under a cloud, said that owing to lapse of time they were unable to give details or reasons for their opinion and referred me to the persons whose written statements are submitted as those most likely to be able to give the facts.

As there is no one in Belleville now who was connected with the post-office while F. M. Taylor was postmaster, I was unable to ascertain the reason why Taylor resigned the office; but was referred, for information on that subject, to Mr. Havercomb, Fifth Auditor of Treasury Dept., Washington, D. C., who is said to be familiar with the facts.

From my investigation I believe that F. M. Taylor left Belleville, Ill., badly in debt in May, 1880; that he did indulge in gambling and in associating with lewd women, and doubtless managed his business loosely for some period before leaving Belleville; but that he was not considered as dishonest, and his habits of gambling were resorted to to retrieve lost fortunes, and his association with lewd women was partly due to domestic troubles after he saw his financial condition constantly growing worse.

Respectfully submitted.

WM. T. SULLIVAN,
P. O. Inspector.

EXHIBIT A.

BELLEVILLE, ILLINOIS, *August 8, 1891.*

Col. John Thomas states:

My name is John Thomas, age nearly 92; born January 11, 1800; have lived in this county since April 28, 1818, and in Belleville about 14 years.

I knew Francis M. Taylor from the time he was a little boy, and knew his father well.

I think Francis M. Taylor's reputation was good when he left here, except that he did not pay his debts. He got into a business that was too large for him. He and his brother-in-law were a publishing company, and printed some 30 odd outside sheets. After a while he bought out his brother-in-law, and I loaned him $5,000 for the purpose, but he kept going in until finally I had loaned him seventeen thousand dollars. I took the P. O. corner from him at $12,000, and he owes me the balance yet. He turned over the property to me about 1875 or 1876—before the election in 1878, I know—as he ran independent in 1878. I was elected to the State senate in 1878, although President Hayes lost the county in 1876 by about 1,200. Taylor remained here until 1880. I don't think he owed many other people besides me, as I always endorsed for him when it was necessary. I never was able to get my money out of Taylor; have his note yet.

He and his wife separated shortly before he left here. There was not much trouble between them, except that he was in debt and could not support her in the style she required. She was high-toned.

Taylor was a temperate man and I never heard of his gambling.

I never heard of Taylor being arrested in Colorado and brought back here. If I did I have forgotten it. I know he was back here sometime after he first left, but don't recollect particularly as to the circumstances.

I think he was postmaster here awhile, but don't recollect about his resigning the office.

My daughter married his first wife's brother, His first wife is now in Denver, Colorado, as I understand.

I don't recollect of hearing that Taylor supported Morrison for Congress. The only break that I knew of Taylor making was when he was an independent candidate for representative to State legislature in 1878. I don't think Taylor was here in any campaign after 1878. I was elected in 1878 by about 800 majority and carried both representatives with me, against the previous big majority of 1,200 in 1876.

JOHN THOMAS.

(Indorsed:) Standing of F. M. Taylor at Belleville, Ill. Statement of Col. John Thomas that Taylor's reputation was good when he left Belleville, about 1880, except that he did not pay his debts—"owes one $5,000"—and was an indepeudent candidate for legislature in 1878. Never heard of his arrest in Colorado or that he was forced to resign the postmaster's office at Belleville. Taylor was temperate—never heard of his gambling.

EXHIBIT B.

BELLEVILLE, ILLINOIS, *August 8, 1891.*

harles A. Monk states:

My name is Chas. A. Monk, age 49, occupation an implement dealer, and have resided at Belleville, Ill., for 28 years.

I was acquainted with Francis M. Taylor from about the close of the war, and our families were intimately associated up to the time he left here, about 1880.

The only thing against Frank Taylor was that he was boyish in his ways, and got badly into debt here in the newspaper enterprises which he carried on. He had no particularly bad habits, was temperate and straight as far as I know. He left his wife on account of her aristocratic, overbearing, and domineering feelings.

I don't think anyone can put their finger on an unworthy act of Frank Taylor, except that he got into debt and was unable to pay them.

His wife had money of her own and was aristocratic, and he was frivolous and boyish, and went into business without experience, and then into politics, and got into debt so that he could not get out.

He came back here a couple of months after he first left here, and I told him he had done two very foolish things—one was his leaving here and the other was his coming back. I never heard of his being arrested and brought back here, and think I would have heard of it if it had been so.

He was appointed postmaster here on the influence of John A. Logan, who always stood by him. I never heard of Taylor resigning the P. O. at any time, and don't think he did. I think he served his term out and was not reappointed. I certainly would remember it if he had been forced to resign the office.

His first wife is now in Denver, Colorado

I presume it is true that Taylor did not do anything against Bill Morrison for Congress at one time here. Hay bucked John Taylor off the track and there was a fight in the Republican convention, and a good many of us Republicans here supported Bill Morrison in that race. I did, I know, and I have been a Republican all the time. Taylor was an independent candidate for the legislature here once, but I understood that he was a candidate then because his opponent (the regular nominee) was anti-Logan. There was a fight in the party here at that time. Taylor never supported Morrison more than once and was a red-hot Republican.

I am positive that he was not arrested and brought back from Colorado, as it was known here where he was while away, and he came back here and remained a week or so and was not in custody and made no secret of his presence here. I don't think he ever associated with fast women. He was a rattle-brained, boyish fellow, and would get acquainted with more men and women than any man I ever saw, and would talk to anybody on the street and make more outlandish remarks than anybody, but aside from that there was nothing bad about him.

This is a German town and Taylor was an American, and for that reason there was a fight made against him here while he was postmaster and before he was appointed.

Taylor was aggressive and would say many sarcastic, cutting remarks about Germans and others, and from his talk made enemies as well as friends; but in all the fights against him John A. Logan stood by him, and they were never able to bring anything against Taylor more than I have stated.

C. A. MONK.

(Indorsed:) Standing of Francis M. Taylor at Belleville, Ill. Statement of Charles A. Monk that Taylor was boyish, frivolous, and got badly in debt and could not pay out; otherwise was of good standing and reputation. He was *not* arrested and brought back from Colorado, and not forced to resign the P. O. that Monk ever heard of; was temperate and not addicted to gambling.

EXHIBIT C.

BELLEVILLE, ILLINOIS, *Aug. 8th, 1891.*

James M. Hayes, states:

I have been acquainted with Francis M. Taylor since he was a little boy.

The only thing detrimental to him that I can speak of with knowledge is his neglect to pay a grocery bill, put in my hands for collection. From accounts I heard he left here badly in debt.

I never heard of his being arrested and brought back from Colorado, nor never heard of his being forced to resign the P. O. All that I heard in connection with the P. O. was that he had some trouble with Chas. Dehnert, but the nature of that I did not hear.

I never knew anything of the nature of his domestic troubles, and never heard anything against his habits except in connection with his domestic troubles, and never heard the particulars as to that.

I don't know enough to state what was his reputation and standing as a man or citizen at the time he left here.

In political matters we did not agree altogether and did not pull together, but were otherwise friendly.

JAMES M. HAY.

(Indorsed:) Standing of Francis M. Taylor at Belleville, Ill. Statement of James M. Hay that he never heard of Taylor being arrested in Colorado, or being forced to resign his office as P. M., and knew nothing detrimental to him except to neglect or fail to pay debts. Did not know enough to be able to state his reputation or standing as a citizen.

EXHIBIT D.

BELLEVILLE, ILLINOIS, *Aug. 8, 1891.*

P. J. Kaercher states:

My name is P. J. Kaercher; age, 49; occupation, a saloonkeeper at Belleville, Illinois.

I knew F. Marion Taylor since 1873. About all there was against him here was, that he was always hard up and left a good many creditors here. He was temperate in his habits; would occasionally take a drink, but was not intemperate. He and his wife both accused the other of criminal intimacy with other men and women, but outside of their accusations I never heard anything about his running after fast women. Taylor never was forced to resign the P. O. here. There was a fight between him and Mr. Millitzer for the office, and Millitzer was appointed P. M.

The Fifth Auditor of the Treasury, Mr. Havercomb, can give you all the inside as to the P. O. fight here.

Taylor was not arrested in Colorado. He came back here of his own accord. He went there to get rid of his wife. She followed him to Colorado, and after she had been there a couple of weeks he came back here to get rid of her. He came back voluntarily; I know that.

As far as I know there was nothing wrong with Frank M. Taylor, except that he was in debt and could not pay. I understood from his assistant in the P. O., who is now dead, that Taylor was short about $150 in his accounts as postmaster, and that he owed other debts. I don't know how the P. O. accounts were settled up.

P. J. KAERCHER.

(Indorsed:) Standing of Francis M. Taylor, at Bellpville, Ill. Statement of P. J. Kaercher that about all there was against Taylor was, that he was always hard up and left a good many creditors. He was temperate in his habits. Both he and his wife accused each other of criminal intimacy with others of opposite sex. Understood from assistant postmaster that Taylor was short in his accounts as P. M. about $150, but don't know how it was settled. He was not arrested in Colorado, but came back voluntarily.

EXHIBIT E.

BELLEVILLE, ILLINOIS, *August 8, 1891.*

J. A. Willoughby states:

I am postmaster at Bellville, Ill.; appointed Feb'y 14, 1890. Came to Belleville in December, 1880; was born and raised in St. Clair County, Ill. Have known Francis M. Taylor personally since about 1870, and now own a half interest in the Belleville Advocate, the newspaper which Taylor owned before he left here. He left here in 1879 or 1880; I think early in 1880.

Francis M. Taylor had a bad reputation here. At one time he was supposed to be worth $25,000 or more, but in gambling and running after fast women he ran through with, and every one who backed him financially was hurt by him. His first wife now lives in Denver, Colorado; but I am not familiar with his domestic surroundings and can not speak of his family difficulties. When he left here it was generally understood that he was in debt to everyone that would trust him, and he left without letting it be known that he was going away. I see by file of the Advocate that he left here May 4, 1880.

He was employed in the Pension Bureau for some time before anyone here found it out; but if it should be ascertained that he would get something better or promoted there would be a "kick" raised here.

Taylor enjoyed the reputation of having supported William R. Morrison for Congress, but there was no way of proving it and I could not state definitely as to that.

I do not know anything of his being arrested and brought back from Colorado.

He was considered a Republican here, but made the race for representative in 1878 as an independent against the regular Republican nominee, but was defeated.

He used liquor to some extent when here, but not to excess to my knowledge; and his gambling and associations with fast women were what caused his bad reputation here, as I understood it; and as several who assisted him lost money by him he left here in bad odor.

J. A. WILLOUGHBY.

(Indorsed:) Standing of Francis M. Taylor at Belleville, Ill. Statement of J. A. Willoughby, P. M., that Taylor's reputation was bad when he left Belleville, May 4, 1880. He had reputation of gambling and running after fast women, and got away with about $25,000 worth of property and left in debt to everyone that would trust him. Does not know nor never heard of his arrest in Colorado, or why he resigned the P. O., or that he resigned.

EXHIBIT F.

BELLEVILLE, ILLINOIS, *Aug. 8, 1891.*

A. S. La Turno states:

My age is 38; occupation a pressman in Advocate office, Belleville, Ill.

I became acquainted with Frank M. Taylor in 1868, and worked for him until he left here, in May, 1880.

He was a steady drinker of intoxicating liquors, sometimes would get on a little "tear," but did not get drunk often. He was in the habit of gambling as long as I remember—at cards and horse races, etc.—especially at cards, and was in habit of keeping fast women. The women business caused a separation between him and his first wife, who made it so hot for him that he had to leave.

When he left here he left in debt—owed almost everybody, even the office hands. I levied on the printing office when it was sold and collected what was coming to me. I do not know the amount of his indebtedness. His wife sold the property, but I could not say what debts she paid.

He was postmaster here four years, and I think was reappointed and resigned, but why he resigned I do not know. I never heard that he was short in his accounts as postmaster.

He went to Colorado from here when he left, and when his wife sold out she went to Denver, Colo., also, and when his wife arrived there he came back here. He came back voluntarily. I never heard of his being arrested and brought back. He was here 8 or 10 days when he returned, but was not in arrest that I heard of, and I don't think he was. When he left I think he went to Springfield, Ill., and from there to Washington, D. C.

He was regarded as a rough-shod, harsh man in politics, and nobody wanted to trust him. He was always hard up for money. He supported Wm. R. Morrison one turn for Congress, but I can not give the reason, unless it was in consideration of personal favors to be given him. Taylor ran on an Independent ticket one year, but was generally called a Republican, and the paper was Republican in politics. He owed me upwards of $200 when he left here, and owed nearly everyone in the office some amount.

Toward the last he became bold in his association with lewd women; would bring them into the office and close the door of the front office, and have liquors and lunch in there. His wife learned about it, and that caused the separation.

John Woods, a printer, and who was P. M. at Joliet, Illinois, was well acquainted with Taylor and his habits. Woods is now at Joliet, Ill.

A. S. LA TURNO.

(Indorsed:) Standing of Francis M. Taylor, at Belleville, Ill. Statement of A. S. La Turno: That he became acquainted with and worked for Taylor from 1868 until May 4, 1880. That he was a steady drinker of intoxicants, in the habit of gambling, and associated with lewd women. Became bold latterly, and took women into his office and had lunch and liquors there. Became involved in debts to nearly everybody. Never heard of his arrest. He resigned the P. O., but can not say why.

By Mr. ENLOE:

Q. Do you know any reason why these other statements were not sworn to except the two statements called for by the Commissioner, Willoughby and La Turno?—A. No, sir. Were those two sworn to? I think not; I think none of them were sworn to.

Q. I see they are referred to in the testimony as "affidavits." Gen. Raum put those in as affidavits. Here is the statement which Gen. Raum made at the time referring to them as "affidavits."

Mr. PAYSON. The papers themselves are in and show for themselves what they are. They do not purport to be affidavits.

Mr. ENLOE. It appears they are not sworn to, and I only wanted that fact to appear here.

By Mr. ENLOE:

Q. Can you tell this committee how Gen. Raum knew the contents of the two letters of Willoughby and La Turno?—A. I can not.

Q. Do you know how it was possible for him to pick out from the records of the office the two letters and call for them without knowing what was in the record?—A. No, sir.

Q. He did it without knowledge of those records through you?—A. No, sir; I do not think I ever had any conversation with Gen. Raum on the subject.

Q. Did you tell Mr. Lineweaver or anyone else connected with Gen. Raum what was in this record there so that he could get what he particularly desired?—A. I think not.

Q. Why did not you furnish him a complete record of the case when he called for the matter?—A. Because I declined not only that request but one or two others made to me to furnish the papers or copies of them.

Q. Who made the other request?—A. I think there was a letter of the Commissioner and I think Mr. Lineweaver came in there and I said in substance if the committee desired those papers they had a way to get them; that they could serve a *duces tecum* and get the papers.

The CHAIRMAN. You misunderstood the question. This was long before this investigation took place and Mr. Enloe's inquiry is how he got hold of those papers.

The WITNESS. I do not know.

By Mr. ENLOE:

Q. Did you have any conversation with anybody at that time; and state what was in this report so that he could know what particular letters he wanted.—A. Not to my recollection.

Q. Who had access to this report after it came to the Post-Office Department except yourself?—A. I suppose my private secretary and possibly the chief inspector. I think it was received after I had retired as chief inspector.

Q. How came it to be sent to you?—A. Possibly because it was a matter with which I was familiar.

Q. Was not that properly part of the public records of the office of the chief inspector?—A. No.

Q. How do you draw the line between what is private and what is

public down there?—A. Matters that affected general character were treated as confidential. We put them in what might be called confidential files. I did not put this matter in the office of the appointment clerk, where matters of that character usually go, for the reason I did not think it was proper matter to become a matter of public record where almost any person could go and examine it.

Q. Did not you say you instructed the inspector at St. Louis to have this investigation made?—A. Yes, sir; that was while I was chief inspector.

Q. He was acting under your orders as chief inspector?—A. Yes, sir.

Q. Was that Mr. Dice?—A. Yes, sir. It was very near the time I retired as chief inspector and assumed the duties of Fourth Assistant Postmaster-General.

Q. Acting in the capacity of inspector of the Post-Office Department in charge of that division out there should not he properly have transmitted that report to the chief post-office inspector?—A. In ordinary business, yes; but this was a semiconfidential affair and not intended for the public record. Perhaps it would be well for me to say the inspectors are under the Fourth Assistant Postmaster-General; the chief inspector and all inspectors.

The CHAIRMAN. Do I understand that nothing was submitted to you that purported to be under oath in reference to Taylor.

The WITNESS. At the time I instituted this inquiry? No; I do not recollect anything.

By Mr. ENLOE:

Q. What is the name of your private secretary?—A. George B. Cortyou is my present private secretary; Redding Stoddard was my private secretary while I was chief inspector.

Q. Did you ever have any conversation with Mr. Wheeler, the present post office inspector, about this matter?—A. Yes, in this way. It seems that during my absence you called on the chief inspector to produce these papers and he could not find them. They were in the confidential files in my office, the Fourth Assistant Postmaster-General's Office, and that is the reason why he could not find them.

Q. I understood you say that possibly Mr. Wheeler or your private secretary might have known what this report contained; that is what you stated.—A. They may have known it.

Q. Have you seen Mr. Wheeler's testimony and know what he testified to in regard to his knowledge of it?—A. I have not read his testimony, but he told me he had been before the committee and stated he knew nothing about the papers—that is, their whereabouts, as I understood him.

Q. You did not understand him to state he did not know anything about the existence of the report?—A. I do not recollect that.

Q. After you received this report what use did you make of it other than copies that were furnished to Commissioner Raum?—A. None, as I now recollect. I think I placed them in my confidential files and they remained there.

Q. In keeping these confidential files, is it customary for the head of a division, or for the chief post-office inspector, or the Postmaster-General, or one of his assistants, to keep in his personal possession all files affecting the personal character of the employés of the Post-Office Department?—A. No, sir.

Q. How does it happen you kept those in your personal files?—A. For the reason I have already given.

Q. Why did not they go to the files of the Post-Office Department and remain there as part of the confidential files relating to Mr. Taylor?—A. I believe I have explained that.

Q. I do not remember that you explained it.—A. I did not put them in the public records of the Department—that is, in the office of the appointment clerk—where persons could have access to them, for the reason, as I stated, that I did not want to place anything there that would work Mr. Taylor or anybody else an injustice or furnish food for scandal.

Q. What special reason did you have for desiring to protect Mr. Taylor more than any other person?—A. None; except possibly I had a friendly feeling toward him because he was in my service at one time when I was chief special examiner in the Pension Office.

Q. Did the Postmaster-General order you to furnish copies of those papers called for by Commissioner Raum, to him?—A. I do not now remember whether he did or not.

Q. Do not you know whether he did or not?—A. No, sir.

Q. Well, here is a letter, and you see the indorsement of that; can you now state whether he did or not?—A. No, sir.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., October 21, 1891.

MY DEAR SIR: I have been reliably informed that the inspectors of your Department have been making inquiries relative to the character and standing of one Francis M. Taylor, and that among those who have been interviewed by the inspectors are J. A. Willinghby and one Mr. La Turno.

If consistent with the rules of your Department, I will be pleased to have copies of the letters of Mr. Willinghby and Mr. La Turno.

Very truly yours,

GREEN B. RAUM,
Commissioner.

Hon. JOHN WANAMAKER,
Postmaster-General.

Q. Do you say he did not order you?—A. No, sir.

Q. If you wanted to protect Mr. Taylor on account of your friendly feeling for him personally, why did you furnish those letters to the Commissioner?—A. I furnished them because he requested them of the Postmaster-General—one official requesting copies of communications to another.

Q. Is it customary to furnish papers to any head of a Department or bureau who may call for them without any order of the Postmaster-General to do it?—A. Sometimes it is done.

Q. That is a matter of discretion?—A. Yes, sir.

Q. With his subordinates?—A. Yes, sir.

Q. If the Commissioner of Pensions were to call for the files of any man in the Post-Office Department, would the appointment clerk furnish the confidential files without an order from the Postmaster-General?—A. Probably not, because the appointment clerk is immediately under the Postmaster-General.

Q. Are not you immediately under him?—A. Yes, sir.

Q. Are you governed by a different rule?—A. I think the Assistant Postmasters-General have greater discretion than some of the chiefs of divisions.

Q. Do you know what Gen. Raum wanted to do with those papers?—A. No, sir.

Q. You had no idea what he wanted with them?—A. No, sir.

Q. Did you know he was not friendly with Mr. Taylor?—A. At that time I do not think I did.

Q. You have been in the Pension Office?—A. Yes, sir.

Q. How long were you employed there?—A. Two or three years.

Q. What were your relations with Gen. Raum while employed in the Pension Office?—A. We had no relations, sir.

Q. None whatever?—A. He was not connected with the Pension Office at that time.

Q. You went out before he came in?—A. Yes, sir; I went out when Cleveland came in in 1885.

Q. My recollection is that Mr. Wheeler, chief inspector, testified before this committee that he was in charge of the division of post-office inspectors at the time this investigation was made, and that he knew nothing of it, and if any such investigation had been made he would have had knowledge of it. Can you tell us how it is that Gen. Raum knew more about what was going on there than the chief post-office inspector, who had these men under his charge?—A. No.

Q. Had the chief post-office inspector any authority to send out post-office inspectors to inquire into the private character of any citizen whom it may be desirable to inquire about?

Mr. PAYSON. That is hardly a proper question unless it is stated that such persons inquired about were applicants for positions in the public service; then it would be competent.

The CHAIRMAN. I understood him to say that this evidence was offered to show, or that he proposed to show, that Taylor never made such an application.

By Mr. ENLOE:

Q. What is your answer to my question?—A. The chief post-office inspector is not authorized to make a promiscuous investigation. He is only authorized to make investigations of this character, where a person applies for a position, as Mr. Taylor did, that they shall feel justified in ascertaining by careful, discreet inquiry whether or not the applicant is a proper person for the position he seeks?

Mr. LIND. At that point let me ask a question: Is the appointment of post-office inspectors to a large extent a confidential position?

The WITNESS. Yes, sir; they are the confidential agents of the Postmaster-General, and so considered.

By the CHAIRMAN:

Q. Let me ask a question there: On the 8th day of August, 1891, were you in the inspector's department of the Post-Office Department?—A. Yes, in this way: Up to July 1, 1891, I was chief post-office inspector, and on that date I was appointed, or rather assumed, the duty of Fourth Assistant Postmaster-General, and the post-office inspectors are placed under his charge.

Q. Then, on the 8th day of August, 1891, Mr. Wheeler was acting as chief inspector, was he not?—A. Yes, sir; I think his appointment took effect in July; some time in July, 1891; that was last year.

By Mr. ENLOE.

Q. You stated Mr. Taylor made a verbal application for this position. Do you intend this committee to understand that you contemplated his transfer to the Post-Office Department without any recommendation or indorsement from anyone?—A. I probably should have asked him for some indorsement after I had concluded to take him as a post-office inspector.

Q. Do you know anything about this man La Turno?—A. No, sir.

Q. Do you know anything about his knowledge of Mr. Taylor?—A. No, sir; except what is stated in his statement.

Q. Are you satisfied from this report made to you that that inspector made a bona fide inquiry into the character of Mr. Taylor at Belleville?—A. Yes.

Q. You think he went to the proper sources and saw the proper persons and got correct and reliable information about it?—A. I judge so, mainly because I know he is a very thorough and very competent man and a very discreet man.

Q. Do you want this committee to understand he was sent out there to make inquiries with a view of correctly ascertaining what Mr. Taylor's real character was?—A. Yes, sir.

By Mr. LIND:

Q. At that point, let me ask Mr. Rathbone, did you have any communication with him other than the instructions contained in that letter?—A. Communication with the inspector?

Q. With the inspector in reference to this matter, I mean?—A. No, sir, I think not, except I gave him this memorandum. I think I recollect that Mr. Dice was in Washington, and I gave him this memorandum and asked him to cause an inquiry to be made on the lines laid down in that memorandum. Other than that I had, I think, no communication with Mr. Dice. Mr. Dice is not the one who made the inquiry; it was made by one of his subordinates.

Q. I mean the man who was actually in the field and prosecuted the inquiry; did you have any conversation or any communication with him at all?—A. I think not; certainly not any written communication, and I do not think I ever talked to him about it.

By Mr. ENLOE:

Q. What is the name of the post-office inspector who made this investigation?—A. William T. Sullivan.

Q. Where is his residence?—A. He is an old colleague of Mr. Taylor's, stationed at St. Louis.

Q. Did you appoint him on the recommendation of Theodore Smith?—A. No, sir.

Q. He did not recommend him?—A. I do not remember. I know I selected him myself. He was one of the special examiners under me when I was one of the chief special examiners and I knew him to be a very competent man and I think I invited him myself to come into our service as I did two or three others.

Q. What was he doing at the time you appointed him?—A. He was special examiner of the Pension Office.

Mr. LITTLE. Did he make a written application?

The WITNESS. I do not remember whether he did or not; but it is quite probable after I invited him to come over into my service that I asked him to file a formal application.

By Mr. ENLOE:

Q. You say he was a special examiner at the time you appointed him a post-office inspector?—A. Yes, sir; he was appointed by transfer from the Pension Office. Well, I may be mistaken, and he may not have been a special examiner; but he was in the employ of the Pension Office, and I think he was a special examiner.

Q. Was he not in the employ of Theodore Smith's sister, who was running a pension agency at the time?—A. No; I do not think so; he

Q. You say he was a Pension Office employé at the time and w
employed by Theodore Smith's sister in a pension agency?—A
not know anything about that.

Q. But you say he was in the employ of the Pension Office
time?—A. I think there is no question about that.

Q. Was he under Commissioner Raum?—A. Yes, I believe s
possibly it was about the time Mr. Tanner retired. If I knew th
of Mr. Raum's appointment and the date of Mr. Sullivan's appoi
as a post-office inspector——

Mr. PAYSON. Mr. Raum went in October, 1889.

By Mr. ENLOE:

Q. In your memorandum directing this investigation you s
have been informed that he was compelled to resign"—speak
Taylor—"I am also informed that he was arrested in Colorad
brought back to Belleville; that his first wife, who left him,
living in Belleville; that his standing and reputation there ar
that he has supported Mr. Morrison for Congress whenever that
man ran." Now, do you mean to say that you gave this memor
for this inquiry because you felt friendly towards Mr. Taylor and w
to do him a service?—A. No, sir; I simply wanted to ascerta
exact fact whether or not he was a proper person to be employe
post-office inspector.

Q. You can not tell who it was who gave this information?—A
sir; I do not remember, and I am very sorry I can not recollect i

Q. We are all sorry; Mr. Taylor is sorry about it, I know. D
consider it a bar to office for him to vote for Mr. Morrison for Con

The CHAIRMAN. I hardly think that is proper, and we had
not extend the inquiry too far.

Mr. ENLOE. I am not very particular about it.

By Mr. ENLOE:

Q. Did you ever tell Mr. Taylor you had heard of these char
A. I think not.

By the CHAIRMAN:

Q. What salary would he have received if he had been appointed to that position?—A. The maximum salary is $1,600 with some allowances.

Q. What is the minimum?—A. There is no minimum fixed, it is within the discretion of the Postmaster-General.

By Mr. ENLOE:

Q. He was in the employ of the Pension Bureau at that time?—A. I think he was.

Q. What salary was he receiving then?—A. I do not know.

Q. Do you know what the salary of an examiner is?—A. No, sir. I used to know something about it seven or eight years ago, and it was then graded from $1,600 per annum down.

The CHAIRMAN. I would like to know if it is usual when these reports of investigations are made that they are not taken under oath; is it usual to have an investigation made and reports made not under oath?

The WITNESS. Investigations are conducted both ways. Inquiries are made without substantiating them by affidavits, and investigations are made supported by affidavits.

Mr. ENLOE. Mr. Little suggests you bring in the names of some persons whom you have investigated upon verbal applications while you were chief post-office inspector.

The WITNESS. I wish to say in that connection I gave you the name of Mr. Swarangen, but he did not make a verbal application. He was certified to us by the Civil Service Commission as a proper person to appoint as a post-office inspector.

The CHAIRMAN. Do you recollect any case except that of Mr. Taylor which you proceeded to investigate on a verbal application?

Mr. LITTLE. That is, an investigation in which the inspector was sent to some distance?

The WITNESS. I think I can furnish you with a case or cases.

Mr. LITTLE. That is what the committee would like.

The WITNESS. I do not think this is an isolated case. It is possible in some of them it did not necessitate the sending of an inspector to a great distance. It may be I made the inquiry myself or through an inspector or some subordinate.

By Mr. ENLOE:

Q. Are you in the habit of making recommendations to other Departments or bureaus in other Departments for the dismissal of persons in those Departments or bureaus?—A. Am I in the habit of doing that?

Q. Yes, sir.—A. No, sir; I have done it though.

Q. I will call your attention to a letter here, which appears in the confidential correspondence of the special examination division of the Pension Office, addressed by you to Commissioner Tanner May 23, 1889, in which you recommend Mr. G. D. Mills be dismissed from the service. Do you recollect writing that letter (exhibiting same)?—A. I do not recollect writing the letter, but I recollect taking a pretty active part in getting him dismissed, and succeeded.

Mr. PAYSON. Do you stand by your action up to the present time?

The WITNESS. I do most emphatically.

By Mr. ENLOE:

Q. Can you explain to the committee how this letter from the office of the chief post-office inspector signed by you is in the letter-book of the Pension Office?—A. That is my letter, but how a copy of it

came in that letter-book of the Pension Department I am unable to say. I can see how it might have been done. It was copied in my office as chief inspector, and on its receipt at the Pension Department it may have been copied again.

The letter was as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF CHIEF POST-OFFICE INSPECTOR,
Washington, D. C., May 23rd, 1889.

HON. JAMES TANNER,
Commissioner of Pensions, Washington:

SIR: Your attention is respectfully invited to Special Examiner G. D. Mills, who was supervising examiner in charge of the Philadelphia district when I was chief of the special examination division.

It appears that Mr. Mills sought to solidify himself with the Democracy by tattling to ex-Commissioner Black and making statements and written presentations to him which were absolutely false. He sought to malign and vilify his old friends for the purpose of being retained in position. He states that under my direction he caused the special examiners in his district to be used in New Jersey just prior to the election of 1884 for the purpose of influencing the State politically. This statement is controverted by the records of his own office, which records as well as other matters pertaining to Mr. Mills can be furnished you by the S. E. division, and is a matter of record appearing on the books of the Philadelphia district.

Mr. Mills, it seems, belongs to that class of political eunuchs that you or I have no patience with. If he were in my service he would not last twenty-four hours, and I respectfully suggest that he be dismissed from the service immediately.

Very respectfully,

E. G. RATHBONE.

I will state that Mr. Mills not only told falsehoods about others, but he told falsehoods about me which were controverted by the records of his own office.

Q. Did you make these charges against Mr. Mills upon matters of record in the Pension Office?—A. Upon information gained in the Pension Office and other places.

Q. Did you know what he stated to Commissioner Black?—A. I had it in black and white.

Q. Had it as letters to Commissioner Black charging you had used these post-office inspectors?—A. No, sir; had used special examiners of the Pension Office.

The CHAIRMAN. Used them for political purposes?

The WITNESS. Yes, sir; he said in substance I bunched them in New Jersey, or rather went to Philadelphia and ordered him to send certain special examiners in a certain county or Congressional district in New Jersey, when the records of his own office showed that was not so, and of course I knew it was not so.

By Mr. ENLOE:

Q. Do you know anything about that complaint being made (or a complaint of a similar character) about the use of special examiners in Ohio?—A. Yes, sir.

Q. You were charged there with using special examiners for political purposes?—A. Yes, sir; and a Congressional committee investigated it and found it was without foundation, and in fact they so reported to Congress.

Q. What committee was that?—A. It was the Warner committee.

Mr. PAYSON. Democratic or Republican?

The WITNESS. Democratic.

By Mr. ENLOE:

Q. When was that investigation made?—A. I think in the winter of 1884 and '85, and that committee through its agents scoured my office for

two or three weeks. I turned the office over to them, and they had access to every book and paper. They went through that office very thoroughly, and consumed several weeks in making their investigation, and when they got through they found nothing, and made no report to Congress, as I stated.

Q. You mean they did not submit a report; that they simply submitted the evidence taken?—A. I do not think they submitted even the evidence taken, and they made no report. Their investigation absolutely failed, and it is a matter of record.

Mr. PAYSON. Irrespective of what the record shows, was there any foundation of facts for such charges against you?

The WITNESS. No, sir; there was not.

Mr. LIND. I ask that all this testimony in regard to this witness when he was in the Pension Office be stricken out.

Mr. ENLOE. Mr. Wilcox, have you got a copy of that report?

Mr. WILCOX. Yes, sir.

Mr. ENLOE. I simply want to use it for the purpose of showing that this witness has testified very freely about things he is not very well advised of.

The WITNESS. I have stated there was no report made to Congress, and I think you will find on investigation that that statement is absolutely correct.

The CHAIRMAN. This Warner investigation was made while you were in the Pension Office?

The WITNESS. Yes, sir; just before I retired. Gen. Warner and his colleagues, I think, prepared a report, and the minority, headed by Governor Hart, who is now assistant internal-revenue commissioner, made up a minority report, and we sat up with one another during the last hours of Congress. I think Congress ceased that session at 12 o'clock at night, and there was no formal presentation made on the floor of the House. Now, this (referring to report) may have been put together and printed afterwards, but I think it is susceptible of proof that my statement is correct that there was no formal presentation to Congress.

Mr. LITTLE. The witness stated originally that the testimony was not even presented and that the investigation absolutely fell flat. He now states that there were two reports prepared, and that he sat up with the member preparing the minority report. There is a wide difference in his two statements.

The WITNESS. I state yet that the investigation fell flat.

Mr. ENLOE. I wish to say, for the record, that I offer this testimony to the committee for them to examine, for the purpose of showing that the witness has testified here repeatedly about things he does not seem to be very well informed about.

The WITNESS. I request, gentlemen, that this report go in. If I read it correctly, after a cursory glance, I would say that their report is simply a transmission of the testimony, and hence I stand by my original statement. Now, in answer to a question as to whether the testimony was printed, I stated that I did not know and I make that statement now. When I spoke of two reports being prepared I did not speak of them in connection with having been presented to Congress, but I simply spoke of them as having been prepared. We did not want to file our minority report until after they had filed the majority report. I stated in my testimony they did not file that majority report, and I say so yet. The majority report which they prepared contained many pages, and this is simply transmitting the evidence.

Mr. PAYSON. When you used the expression that you sat up at night with one another, what did you mean us to understand; that you were *helping the minority* to draw up a proper minority report, so that in

case the majority report was formally laid before the House it could be followed by this minority report?

A. That is what I meant to state when I stated that I sat up with them.

Mr. LITTLE. I think we have enough in the record without putting this report in.

The WITNESS. I say that that investigation fell flat, and I think the testimony bore that out fully.

Mr. BROSIUS. This report shows that the witness was correct when he says that they simply transmitted the evidence to Congress.

The WITNESS. I request that that report go in.

The report is as follows:

[House Report No. 2683, Forty-eighth Congress, second session.]

The Select Committee on Payment of Pensions, Bounty, and Back Pay, acting under resolution of the House of Representatives of January 12, 1880, continued by resolution of the House in the Forty-seventh and Forty-eighth Congresses, respectively, respectfully submits the following report in relation to the practice of claim agents and the administration of the Pension Office:

The late day to which the committee continued to hear testimony renders it impossible to submit, with the testimony taken, an analysis of the testimony, or to draw conclusions therefrom, or to express other than in the most general way the opinion of the committee as to the matters under investigation.

The investigation of the committee was directed, first, to the operation of the claim agents' law, passed at the last session of Congress (July 4, 1884). The evidence shows the manner in which the law was passed and the influences brought to bear to secure this legislation in the interest of claim agents. That the law is in the interest of claim agents and against the interest of soldiers clearly enough appears on the face of it, as well as in its practical application as construed in the Pension Office.

The committee has heretofore unanimously recommended the repeal of this law. Its recommendation, in the form of a bill, passed the House on the pension appropriation bill; it went to the Senate and was there stricken from the appropriation bill, and passed separately with an amendment. The act as amended was favorably reported from this committee, and is now awaiting the action of the House. In the opinion of the committee, to allow the law to remain as it is, is little less than an outrage upon the soldiers of the country who have claims for pensions pending in the Pension Office.

The committee regrets that it had not time to carry further its investigation into the operations of the Pension Office, and that there is not time left to make a full analysis of the testimony taken or to submit a fuller report than it can do at this late hour. It is the opinion of the committee, however, that the force in the Pension Office can be materially reduced without detriment to pension claimants, and it believes that the testimony submitted with this report fully warrants the opinion that a thorough revision of the special examiners' division is called for. The evidence submitted shows conclusively, it is believed, that results in the operations of the Pension Office generally, including the special examiners' division, are not commensurate with the increased force which has been allowed in the last three years and the increased expense which has been involved. Special attention is called to the evidence of Mr. Sawyer, statistician of the office, and others, in this respect.

The committee can do no more at this late period of the session than to submit without comment the testimony bearing upon the relation of the late Commissioner of Pensions, Col. Dudley, and other officials of the Pension Office to political work during the late election.

By Mr. LIND:

Q. How long have you been in the public service?—A. Since 1874, with the exception of four years.

Q. What has been the character of your service, where have you been employed, and in what departments of the Government?—A. I was first employed in the secret service of the Treasury. My employment commenced, I think, in the last part of 1874, and I maintained that position, or rather I held that position, until I went into the Pension Office as chief special examiner of the Pension Office, which I think was in 1882 or 1883.

Q. How long did you remain there?—A. Until the spring of 1885, when the Democrats came in; when Mr. Cleveland's administration came in. I then went to Ohio and remained there four years, two years of which I served as a member of the Ohio State senate, and in April, 1889, I was appointed chief Post Office inspector, and served in that capacity until the 1st of July last, when I was appointed Fourth Assistant Postmaster-General, and I hold that position now.

By Mr. PAYSON:

Q. I would like to ask one question. Do you remember, on the occasion of Mr. Taylor coming to you, and making this verbal application for transfer, where it was?—A. It was in the office of the chief post-office inspector.

Q. You remember the circumstance very well?—A. Oh, yes.

By Mr. BROSIUS:

Q. I would like to ask one question. Had the Pension Office any agency whatever in the institution of the investigation relating to Mr. Taylor?—A. Not to my knowledge.

Q. That investigation then was instituted in conformity with the practice of the Post-Office Department in such matters?—A. Yes, sir.

By Mr. ENLOE:

Q. Do you say that the person with whom you had a conversation at the time you made this memorandum upon which the investigation was instituted was not an employé of the Pension Office?—A. I do not think so; I do not remember. I do not think that any one person gave it to me. I think it was an aggregation of little things that came to me at different times.

Q. You stated you did not know from what source you derived the information?—A. Yes; sir.

Q. I want to know how you knew you did not derive it from the Pension Office?—A. Do you refer to the question asked a moment ago?

Q. I want to know how you know you did not derive any of that information from any one connected with the Pension Office?—A. I did not intend to state anything of that kind. I was asked since I have been on the stand if the information which I based my inquiry on was not derived from the Pension Office, or some letter written to the Pension Office, and I said no; that my inquiry was not based upon any letter written to the Pension Office. I think that was in answer to a question by the chairman.

By the CHAIRMAN:

Q. At what time, if at any time, did you receive any information that there was any difficulty between Mr. Taylor and the Commissioner of Pensions?—A. My recollection is it was after the application of Mr. Taylor to me for transfer; sometime afterwards.

Q. Taylor was then in the Pension Bureau?—A. Yes, sir; that is what I understand. Of course he must have been in the Pension Bureau or I could not have had him transferred from the Pension Department to my service.

TESTIMONY OF THOMAS C. FLETCHER.

THOMAS C. FLETCHER sworn and examined.

By Mr. ENLOE:

Q. How long have you been acquainted with Mr. Francis M. Taylor?—A. Thirty years.

Q. What do you know about his general reputation as a man?

Mr. LIND. I certainly feel we can not afford to go into this. We are not trying Mr. Taylor's reputation. I, for one, certainly do not think that question is before us.

The question was argued at length by the members of the committee.

The CHAIRMAN. You might ask the witness if he knew Taylor at Belleville.

Mr. ENLOE. Did you know him at Belleville?

The WITNESS. I did. I knew him at Belleville before he came to us in the Army, that is 1861 and 1862, and I knew him subsequently at Belleville when he came back from the Army and published a newspaper there and carried on a considerable printing establishment. I saw him very frequently.

Mr. ENLOE. Now I will ask you the question again. I will ask you if you know what his general reputation as a citizen at Belleville was?

Mr. LIND. Now I object to that as beyond the scope of our inquiry. There will be no end to this investigation. We can go to work and impeach and bolster up the character of every witness who has testified here. Can you permit this inquiry of Mr. Taylor and refuse it of the men whom the Commissioner has called, and, if so, where will be the end of it?

The question was argued by the committee and a vote was taken and the committee being equally divided, the objection was sustained.

Mr. ENLOE: Then I will ask you if you had a conversation with Gen. Raum in regard to Mr. Taylor during the time Gen. Raum was acting as Commissioner?

Mr. PAYSON. I object to that—well, the weather is too hot to argue, you may ask the question and save time.

The WITNESS. Yes, I did. I had a conversation with Gen. Raum. I went to see him, learning that Mr. Taylor was likely to be discharged or something of the kind—I do not remember what information I had there—but I went to see Gen. Raum, he being an old friend of mine, and I recounted to him the fact that Taylor served in the Army with me, and of his having been a fellow prisoner in the South with me, and of my having known him since he was a young man at Belleville, my long acquaintance with him, my regard for him, and I was insisting with Gen. Raum that he should not take any steps to remove Mr. Taylor, and I had a considerable talk with him about that. He was under the impression at that time that Capt. Taylor was furnished some information by which these newspaper articles were written against him. I talked with Taylor about it and when I saw him——

Mr. BROSIUS. I suppose it would not be——

The WITNESS (continuing). I communicated what he said to Gen. Raum, but if Gen. Raum ever said anything to me about preventing him getting any other place I do not remember it.

Mr. ENLOE. What did you understand was the animus?

Mr. PAYSON. I object to that, and I think it does not need any argument. If you want to ask him anything ask what Gen. Raum said.

By Mr. ENLOE:

Q. Did he tell you in that conversation that Mr. Taylor was responsible for the dismissal of Theodore Smith or refer to Smith in that connection?—A. He said something about that or about the fact that Taylor was a vindictive sort of man and he had pursued this young man Smith by hunting up his record and refusing to forgive him for some little indiscretion committed in his boyhood or something of that

kind. He remarked about that, I recollect, not as to the fact that Taylor had been the cause of the removal of Theodore Smith, but that he had pursued him and seemed, as he expressed it, to gloat over the fact that he had evidence of this youthful indiscretion of Smith's, whatever it might have been.

Q. Did he tell you in that conversation that he had heard Taylor was an applicant for a position in the Post-Office Department?—A. Not to my recollection. No, I do not think I ever heard Taylor was an applicant for a position there. He was once postmaster at Belleville, but I never knew he was an applicant for a position in the Post-Office Department; at least he never mentioned it to me, and I do not think Gen. Raum did.

TESTIMONY OF F. M. TAYLOR—Recalled.

F. M. TAYLOR recalled and examined.

By Mr. ENLOE:

Q. Did you ever make an application to Mr. Rathbone for a transfer from the Pension Office to the Post-Office Department?—A. No, sir.

Q. Do you know anything about this investigation which was made and which has been brought out by Gen. Raum and in Mr. Rathbone's testimony?—A. I never heard of it until Gen. Raum introduced those two extracts from the investigation they had made.

The CHAIRMAN. Before this committee, you mean?

The WITNESS. Yes, sir.

By Mr. ENLOE:

Q. What position were you holding in July, 1891?—A. I was special examiner in the District of Columbia.

Q. What was your compensation?—A. The special examiners in the District of Columbia are provided for different from the special examiners in general. The per diem and salary together was $2,300.

Q. Do you know what the pay of a post-office inspector is?—A. I do not. I have heard it was $1,600, with $3 per diem attached, but I do not know what it is.

Q. Had you any idea at that time that you were going out of the Pension Office?—A. No, sir; none whatever.

Q. Do you know whether or not the Commissioner before that time had made an effort to get you out of the office?—A. I knew he had.

Q. What was your reason for thinking he would not succeed in getting you out?—A. Because the Secretary had stood by me in the matter as late as the 30th of June and had reappointed me over the recommendation of the Commissioner.

Q. Do you know these men, Willoughby and La Turno?—A. I know Mr. La Turno and I know of Mr. Willoughby.

Q. You never had any acquaintance with Mr. Willoughby?—A. At the time I was in Belleville—I was born and raised there—he lived in the same county about 14 miles away.

Q. Who was La Turno?—A. He was a man who used to work for me as a pressman when I published a paper there.

Q. Were you on good terms with him when you lived in Belleville?—A. Oh, yes. I simply employed the man, but was not an associate of his at all. I never saw him only during working hours.

Q. What sort of a paper were you running in Belleville?—A. I was publishing the leading Republican paper in that district.

Q. What was the name of it?—A. The Belleville Advocate.

Q. Did you hold a position as postmaster under Grant's administration?—A. I did.

Q. Did you have any difficulty in settling your accounts with the Post-Office Department?—A. None in the world. The records show I did not owe the Post-Office Department a cent.

Q. When you were appointed to a position here, at that time you lived in Belleville?—A. I left Belleville about a year before that, but I came direct from Belleville here.

Q. Did you have any indorsment of prominent Republicans in your district on your application?—A. I had the indorsement of Gen. Kenffuer and D. M. Houser, editor of the Globe-Democrat. I was on the staff of Gen. Logan during the war. He said I did not need any recommendation for him.

Q. Are you acquainted with these other persons whose statements are given here?—A. I do not know who they are.

Q. One is Charles A. Monk.—A. Yes, sir.

Q. Do you know James M. Hay?—A. Yes, sir.

Q. Col. John Thomas?—A. Yes, sir; he was my bondsman when I was postmaster.

Q. Do you know P. J. Kearcher? Are these prominent citizens of Belleville?—A. They are leading men in Belleville; yes, sir.

Q. Do you know this man W. T. Sullivan, post-office inspector, who it is alleged made this investigation?—A. I am acquainted with him; yes, sir.

Q. Do you know what he was doing at the time he was appointed to a position as post-office inspector?

Mr. PAYSON. How is that competent, Mr. Chairman? It is clearly an outside collateral matter.

Mr. ENLOE. There is a slight connection between Theodore Smith and these discharged employés all the way through, showing that he was helping to bolster up Mr. Raum against them in their fight there. It is to show he was connected with Mr. Theodore Smith and his sister in the pension business at the time he got this appointment.

Mr. PAYSON. I withdraw the objection.

The WITNESS. Mr. Sullivan just prior to his appointment in the Post-Office Department was working for, I think her name was Mamie Smith, a sister of Theodore Smith. He had been in the Pension Bureau and was a friend of Smith, and when he came back here Smith was appointed acting chief of the special examination division, and turned over his business to his sister, and Sullivan came on here and took charge or managed the business with her. He was reinstated, I think, in the Pension Office, just before being transferred to the Post-Office Department.

Q. Have you any information about anyone having instigated this investigation, or do you know of anyone having anything to do with it?—A. I do not.

Q. Other than Mr. Rathbone?—A. I have no personal knowledge of the facts only from what I draw my own conclusion, and that is no evidence.

The witness here offered to put in evidence an affidavit of John Wood as to his general good character.

Mr. PAYSON. I object to the introduction of this.

The objection was sustained.

By the CHAIRMAN:

Q. You have read the statement of La Turno and Willoughby which was introduced on the first examination?—A. Yes, sir.

Q. Have you anything to say in regard to the truth of those statements?—A. I say they are untrue. I was not a gambler and I am certainly not a drunkard.

Q. There is more than that set forth there?—A. He states here, "he was a steady drinker of intoxicating liquor; sometimes he would get on a little 'tear,' but did not get drunk often." I will state it was a German town, and there were a great many saloons there and I drink beer.

Q. But you deny the statement as generally set forth there?—A. I deny that statement as to being drunk.

Q. Do you deny the other statement?—A. He states here, "he was in the habit of gambling as long as I remember, at cards and horse races," etc. It is true that I played cards sometimes, poker, as many gentlemen do——

Mr. PAYSON. And you do not call that gambling?

The WITNESS. Yes, sir; I call that gambling. If you want to name it, it's gambling; whether you play 5 cents ante and 10 cents limit, it is gambling; but still, we played for amusement, and——

Mr. BROSIUS. Then that statement is literally true?

The WITNESS. Not in what it implies; it implies that I was an habitual gambler.

Mr. PAYSON. Where do you draw the line, in the size of the ante or the limit of the game?

The WITNESS. Well, it is in the size of the ante and——

Mr. LITTLE. Is there anything in that to intimate that he was a professional gambler?

The WITNESS. I was not a professional gambler.

Mr. LITTLE. That is what he wants to deny; he states now that he sits down to a social game.

Mr. BROSIUS. It is not alleged that he is a professional gambler.

The WITNESS. I want to deny that inference. In regard to the woman business, I deny that emphatically, because the separation between me and my wife is a matter not for this committee. That I was in debt is very true, I assumed a debt of $20,000 to save a paper in that district from going over to Greeley. We, at that time, had four or five papers in the district, and I was paying 10 per cent interest every three months on over $20,000, and the bank which carried my paper collapsed, and I suffered from it. I paid as far as I could all those debts. Little debts around town for household goods, etc., I did not have. That was a political debt. I was never arrested in my life and was never charged with any crime and never brought back from Denver in irons, or anything of the sort; and when I went and came back from Denver I traveled in a Pullman car. So far as the post-office is concerned, I was appointed under Grant, reappointed under Mr. Hayes, confirmed by the Senate, and resigned of my own free will against the wishes of my friends, because I did not believe in Mr. Hayes. That is all there is in that. I voted for William R. Morrison on two occasions, and it was a personal matter altogether. The paper did not support him.

By Mr. LIND:

Q. I just want to ask Mr. Taylor one question. You have known Mr. Rathbone for some time?—A. I knew Mr. Rathbone when he was supervising or chief special examiner in the Pension Bureau.

Q. Did you at any time have any conversation with him during the summer or fall of 1891 in reference to your transfer from the Pension Office to the Post-Office Department?—A. I never had any conversation with reference to a transfer. I spoke to Mr. Rathbone about what was doing. We wanted to get a post-office inspector to work with one of our special examiners in Florida in a criminal case, and I had some conversation with him in regard to it; but as to making any application for a position, I never did it. I had a better position than he could have given me.

Q. What I wanted to get at was whether you expressed any desire to him for a transfer, owing to the strained relations between yourself and the Commissioner?—A. No, sir.

Q. Was there any conversation in regard to it?—A. No, sir; none that I remember.

The CHAIRMAN. You said you did not want it?

The WITNESS. Because I had a better position.

By Mr. LIND:

Q. I can readily see you had a better position, but I wanted to ask of you whether in the course of your talk with Mr. Rathbone you had expressed a desire to be transferred, owing to the difficulty you had with the Commissioner of Pensions?—A. No, sir; I never talked about my strained relations with Gen. Raum. I did not make it a matter of common conversation with other officials of the Government.

Q. No; but I thought that might possibly have actuated you in making a suggestion when you had a conversation with him.

By Mr. PAYSON:

Q. You were on the roll of the Pension Office as a special examiner?—A. Yes, sir.

Q. That is only an annual appointment?—A. I was originally appointed——

Q. At that time I am talking about; just answer my questions, if you can.—A. I can answer them. At the time I resigned I was on the roll as a special examiner.

Q. That position under the law is an annual position, as you understand it?—A. Of course it is an annual position.

Q. Do you pretend to say to this committee that an annual position in the Pension Office is a better position than a post-office inspectorship in the Post-Office Department at the same salary?—A. Well, in regard to an annual position—after all, if a man has influence enough the annual part does not count.

Q. But influence often goes; you know that?—A. The influence I had I did not think would go, and I had reason to think so.

Q. Did you never have any conversation with Mr. Rathbone in relation to this transfer?—A. No, sir.

Q. And the first time you ever heard of it or had knowledge of it was from this examination; do you want the committee to understand that?—A. The first I knew of it was from the evidence that Gen. Raum introduced here.

Q. Then, as far as you are concerned, the whole thing is made up out of the whole cloth by Mr. Rathbone against you; you heard his statement?—A. Yes, sir; I heard him and you heard me.

Q. And it is a question which I believe?—A. Certainly.

Q. Mr. La Turno states: "He was a steady drinker of intoxicating liquors." Did you drink beer?—A. Yes, sir; that is true; I drank beer.

Q. Then that much is true?—A. Yes, sir.

Q. He further states. "Sometimes he would get on a little tear."—A. That is untrue.

Q. "But did not get drunk often." Were you ever full?—A. I believe I have been full about——

Q. I do not ask the number of times.—A. But I want to tell you the number of times if you will allow me; about four or five, I should think——

Q. He further states: "He was in the habit of gambling as long as I remember, at cards." You state that you have played cards?—A. Yes, sir.

Q. He states that you bet on horses?—A. No, sir; that is not true.

Q. Did you ever bet on a horse race?—A. No, sir; I never was at one and never was where I could bet.

Q. Oh, yes, you could; you could have bet in town.—A. We did not have any places there; we had a moral town.

Q. "The women business caused a separation between him and his first wife." I think you said that was a matter of your own business and I agree with you perfectly, but it has been brought here. You say that women had nothing to do with that separation?—A. Yes, sir.

Q. Nothing whatever?—A. Nothing whatever.

Q. You never heard that talked of?—A. No, sir.

Q. You never heard it even talked of?—A. No, sir. I do not know what they talked of after I left there, but while I was there I never heard it.

(Mr. Fred Mitchell, chief review section, special examiner division, Pension Bureau; Gen. Joseph Dickinson, reviewer, special examination division, Pension Office; Mr. Vandusen, reviewer, special examination division, Pension Department, and Mr. H. L. Bruce, board of appeals, Interior Department, having been summoned to testify as to Mr. Taylor's general character, and the committee having refused to hear evidence on that point, the committee being evenly divided, their testimony was excluded.)

TESTIMONY OF H. E. LINAWEAVER—Recalled.

H. E. LINAWEAVER recalled and examined.

By the CHAIRMAN:

Q. Will you please state to the committee the first information you had or ever received as to charges having been preferred against F. M. Taylor?—A. My recollection is that the Commissioner directed me to go to the Post-Office Department and see if they were there, and if so to procure a copy.

Q. Was that anterior to his resignation?—A. I do not remember the date. I think not, but I do not remember the date. It was the day that that letter was written to the Postmaster-General, the 21st of October; about that time, I think.

Q. October, 1891?—A. Yes, sir. I went to the Postmaster-General's office with this letter and saw Mr. Cushing, the private secretary, and he said that it should go to Mr. Rathbone, because the matter was under his jurisdiction, and that he would give copies. I went to Mr. Rathbone, saying nothing about the interview with Mr. Cushing, and handed him the letter.

Q. What conversation did you have with the Commissioner at the

time you went over there?—A. I do not remember; but substantially he stated that he understood this investigation had been made, and he told me to go there and see Mr. Rathbone and get a copy, and I suggested he should write a letter to make it formal, and I wrote the letter and he signed it and I took it over.

Q. Do you know how the Commissioner got information that the charges were there?—A. No, sir.

Q. Do you know whether at that time Mr. Rathbone was chief inspector or not?—A. I do not know. I know he was chief inspector, and was subsequently made Fourth Assistant Postmaster-General.

Q. What took place while you were over there?—A. At his office? I went in and presented the letter, and he read it, and he sent for the papers, I think by his private secretary, and he made copies——

Q. Rathbone made copies?—A. Yes, sir; and he started to dictate a letter to the Commissioner of Pensions, in which he said—afterwards he did not send it—in which he stated in substance, "I herewith transmit copies of certain affidavits on file in this Bureau in the case of F. M. Taylor. Mr. Taylor made an application to me for a transfer at one time to this office from your Department, and from information received, after an investigation of his character, I concluded not to appoint him"—he did not send the letter, but the papers were delivered to me, and I took away the affidavits in an envelope.

Q. Were there more papers on file?—A. I did not see any. I did not know what was on file.

Q. Mr. Rathbone just took out these two letters and gave them to you?—A. He gave me copies his stenographer made out.

Q. That is the Willoughby letter and the La Turno letter?—A. Yes, sir.

By Mr. ENLOE:

Q. Let me ask you if this is a copy of the letter you have been talking about? (See letter, p. 1421.)—A. Yes, sir; with the exception of the memoranda.

Q. Does not that designate two particular letters?—A. Yes, sir.

The CHAIRMAN. You refer to the letter written by Gen. Raum?

Mr. ENLOE. Yes, sir. Do you know how Gen. Raum knew of those two particular letters?

The WITNESS. No, sir.

Q. Did he tell you what was in those letters?—A. No; he had a memorandum with those two names, and I wrote the letter from that memorandum.

By Mr. LITTLE.

Q. Did you ask for any other documents than those two?—A. No, sir; I presented the letter and he took the papers out and sent them by me.

Q. Did Mr. Rathbone ever refuse to give copies of any papers on file there?—A. That is the first time I went to see Mr. Rathbone on that business.

Q. I asked you if he ever refused to give you papers in connection with this case.—A. Yes, sir. Subsequently I went there to see if there were any other papers on file, and he told me to say to the Commissioner if the committee desired to see any papers on file he would be glad to appear before the committee with them.

The CHAIRMAN. That was after this investigation commenced?

The WITNESS. Oh, yes, sir.

Mr. LITTLE. I am speaking of previous to that time, when you were investigating Mr. Taylor.

The WITNESS. October 21?—A. No, sir.

By Mr. ENLOE.

Q. Mr. Rathbone then refused to furnish you the balance of the record at that time?—A. I had no conversation; I simply handed the letter, requesting the copy of papers specified, and he said something to his private secretary, who got the papers and made a copy.

Q. I mean on your second visit.—A. I went over and asked if there were any other papers on file.

By Mr. PAYSON:

Q. That is since this invesitgation began?—A. Yes, sir.

By Mr. ENLOE:

Q. Did you at that time tell him the Commissioner wanted copies of any other papers on file in this case?—A. Yes, sir; that he would like to get copies.

Q. And he said if the committee wanted them he would furnish them to the committee?—A. I said, I think, that the Commissioner desired to present them to the committee, and he said if the committee wanted them it could, by issuing the proper subpœna, get them.

Mr. Enloe offered the following letter:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, April 5, 1892.

DEAR SIR: I have the honor to request that you will furnish me a copy of the report of an investigation made by some officer of your Department at Bellville, Ill., into the character and standing of F. M. Taylor while he was postmaster at that place some time since. Upon my application you kindly furnished me copies of certain affidavits in said report, which I submitted to the honorable Secretary of the Interior, amongst other things, for his consideration, in regard to Mr. Taylor.

During your absence from the city Mr. Wheeler, of your office, was brought before the committee charged with the investigation of the Pension Office, and testified that he knew nothing of said report, and thathe was unable to find the same in the records of your Department. To set the matter at rest that the copies above mentioned have not been fabricated and that there is such a report in your Department I make the foregoing request, and would be obliged to you if you will take time to have the same furnished me to-day.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. E. G. RATHBONE,
Fourth Assistant Postmaster-General.

TESTIMONY OF FRANK E. BROWNELL.

FRANK E. BROWNELL sworn and examined:

By Mr. ENLOE:

Q. What position do you hold in the Pension Office?—A. I am a special examiner.

Q. Where are you assigned to duty?—A. District of Columbia.

Q. What is your compensation?—A. $2,300 a year.

Q. Are you drawing a pension from the Government?—A. No, sir.

Q. Are you on the retired list of the Army?—A. I am, sir.

Q. How much do you draw from that?—A. $1,575 a year.

Q. Did you ever receive instructions from the Commissioner, or any one else connected with the Pension Office since this investigation began, to look and see what persons connected with the Pension Office visited my house?—A. No, sir; I do not know where you live, and I never received any instructions from the Commissioner whatever in relation to any matter, even connected with the office, that I know of.

Q. Can you explain to me what business you had in the neighborhood of 1527 I street NW. along about the 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, and 21st of May, at night?—A. I belong to the "Army and Navy Club," which is at the corner of Connecticut avenue and I street, and I live at 1325 M street, and I am in the habit of going to the club almost every evening, and invariably go down Vermont avenue, through McPherson's Square, and along I street, and return the same way. I do not know that I have ever investigated a case on that street or had any business to investigate it. I never knew who you were until I came into this room this morning, although I had an idea about two weeks ago from seeing you with Mr. Taylor that you were Mr. Enloe.

Q. I remember meeting you and your turning back to look at me. Did you know me?—A. I did not, but I suspected you were Mr. Enloe because you were with Mr. Taylor. It is our business—I will say as special examiners we become very apt to suspect who people are by reason of the people they are with.

Q. You knew I was investigating the Pension Office, and Mr. Taylor was interested somewhat in that investigation?—A. That is just exactly how I formed the opinion.

Q. Do you remember passing my door one night when a gentleman who was in the Pension Office was talking to me and you were walking just on the outside of the pavement looking up?—A. I am in the habit of walking almost invariably on the pavement when going down that street, but I never knew where you lived and I have no recollection of seeing you until that night at Willard's Hotel. I do not think it was in front of Willard's Hotel, but I think you were going into the Owen House.

Q. I have no recollection of going into the Owen House.—A. I think you went into the Owen House with Mr. Taylor.

Mr. ENLOE. I will state that Mr. Taylor and I have never been in the Owen House.

Mr. PAYSON. That is not very material, and is simply encumbering the record; the point is, did you watch Mr. Enloe?

The WITNESS. I never knew who he was.

By Mr. ENLOE:

Q. Have you heard anyone about the Pension Office state or heard any talk that you and Mr. Ford were directed to watch my house and see what Pension Office employés went there?—A. I never heard the slightest intimation of such a thing, and I will say further that I never was instructed to watch anybody; and I will say further, I never would do it.

Q. I asked you these questions because I was notified through a member of Congress that news had come to him from the Pension Office that you and Mr. Ford were on this duty, and seeing you pass there confirmed this impression.

Q. The only reason I go down I street is because my wife objects to smoking, and I go to the Army and Navy Club and smoke almost every evening.

TESTIMONY OF A. D. WILCOX—Recalled.

A. D. WILCOX recalled and examined.

By Mr. ENLOE:

Q. Have you examined the correspondence between Theodore Smith, Mr. Wayson, and the Commissioner of Pensions in regard to the discharge of special examiners?—A. I have, sir.

Q. How many of those letters did you find, and what are the dates?—A. I found altogether about forty-five of them in this book (referring to same) of different dates, and I made a one-line brief of each letter.

Q. Did you examine the other book?—A. Yes, sir. In the other book I only found three letters of any consequence to the committee; I mean that bore upon the point I was requested to examine into.

Mr. ENLOE. You can submit that brief to the committee?

Mr. PAYSON. I should think the letters are the best evidence.

The WITNESS. This paper I have here is simply a one-line brief of each letter, which I will follow up with an oral statement bearing upon each letter, if it suits the committee.

The question of admitting the brief or copies of the letters in full was discussed by the committee, and it was finally decided that the list should be withheld for the present.

Mr. ENLOE. I will ask this committee that when it makes its report to the House not to make a final adjournment of the committee, but to hold the matter open for further investigation at the next session of Congress. We have prosecuted this inquiry as far as this session of Congress will permit, and I desire to continue it further for the purpose of making further inquiries in reference to other matters to which my attention has been called and which we have not the time to go into at the present time on account of the magnitude of this work, and the late hour of the session.

The CHAIRMAN. Is the evidence closed?

Mr. ENLOE. There is another matter I want to examine witnesses about, and that is in regard to the effect the ruling adopted by the Department has had to facilitate the adjudication of claims; whether or not the rules of evidence upon which claims were formerly adjudicated have been modified to meet difficulties which surround cases after a lapse of twenty-five or thirty years, so as to make it easier to establish pension claims now than it was formerly under the rulings of the Department. I want to continue this investigation further when we have the time.

The CHAIRMAN. Are you through for the present?

Mr. ENLOE. There is one thing I want to offer before winding up this matter, and that is this letter, addressed to S. W. Dougherty, of New Albany, Ind., by Assistant Commissioner of Pensions Mr. Davidson.

338.

SPECIAL.

COMPLETED CLAIM.

[Per your letter dated Sept. 13, 1891, to Gen. W. H. Enochs.]

NEW ALBANY, IND., *Sept. 22, 1891.*

Hon. COMMISSIONER OF PENSIONS,
Washington, D. C.:

DEAR SIR: In the matter of claim No. 8657, name of claimant, Mary E. Perkins, P. O., New Albany, Ind., name of soldier, William J. Perkins, U. S. boat B. J. Adams, Co.——, Reg't M. M. B. Vols., under act of June 27, '90, I have the honor to

inform you that the above cited case, in my opinion, is complete. Hence, to hasten its early settlement, I respectfully ask that the case be at once drawn from its files and submitted to the board of review. Please advise me of same.

Remarks: Last testimony filed Sept. 3, '91.

Very respectfully,

S. W. DAUGHERTY, *Attorney.*

This case to which this refers has been granted.

(On back of slip:) This is the slip in question which was prepared according to his instructions to W. H. Enochs, Sept. 13, 1891.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., October 12, 1891.

SIR: In reply to your letter of the 1st instant, returned herewith, together with inclosure, and in connection with office letter of the 26th ultimo, I have to state that to comply with your request in permitting you to use the slip* in question, would be in violation of the rules governing the administration of the business of this office, and would be doing injustice to other equally worthy claimants. Attention will be given claims in which you are the attorney of record, like all others, in their regular order, no preference being given to any claim except in accordance with the provisions of the inclosed circular; and it is, therefore, to preserve inviolate the rules of this office that it must refuse your request to use such slip marked special in calling up such claims.

If attorneys will furnish all the evidence required to complete their claims which is called for, it is materially assisting this office in their adjudication, and such claims will be finally acted upon when they come up for action in their regular turn.

Claims certified to the completed files are not favored with early action any further than to consider them in the order of the dates they are so placed. A claim properly certified to said files will be allowed sooner than if it were not so certified, *i. e.*, its complete condition is brought sooner to the attention of the examiners than it otherwise would be.

It is proper to state in this connection that not one claim in fifty certified to said files is in condition to remain there, in some cases no evidence whatever being found in them. It is thus seen why claims so certified are not advanced, as they are thrown back in the general files to come up for action, as above stated, in their regular order.

There were no inclosures with your letter, to which you refer, upon its receipt in the division from which this letter was written.

Very respectfully,

ANDREW DAVIDSON,
Acting Commissioner.

Mr. S. W. DAUGHERTY,
New Albany, Ind.

Mr. PAYSON. I want to talk with Mr. Davidson about that.

The CHAIRMAN (to Mr. Payson). Have you any more evidence?

Mr. PAYSON. If you people are through, I do not think I have. I do not think, however, it ought to appear in the record that we simply acquiesce because we can not help it to the proposition that this investigation shall end for the present and be taken up at the next session of Congress. However, that is a matter the committee will have to determine.

Mr. BROSIUS. That question will come up for consideration by the committee.

Mr. PAYSON. I simply want for myself and Gen. Raum to put a protest upon the record in regard to such action.

Mr. BROSIUS. I have some doubt in my mind about the propriety of making two bites of a cherry, but I will reserve what I have to say for an executive session of the committee when the matter comes up.

Mr. ENLOE. There is one other matter which was left in an unfinished state at a former meeting. In the testimony of Mr. Clark, on

* See back of red slip.

page 1277, I offered an article from the New York Tribune in evidence, which was marked "Exhibit A," and the matter of its admission was not determined at the time.

The matter of the admission of the article was discussed by the committee, and it was decided not to admit it.

The CHAIRMAN. Have you any other witnesses?

Mr. ENLOE. In view of the desire of the committee to adjourn and the late hour of the session I shall not offer further testimony.

The CHAIRMAN. Then I shall announce that the testimony is closed.

Mr. BROSIUS. I would recall the attention of the committee to the fact that the Commissioner has invited the committee to visit the Pension Office and investigate the mode of transacting business in as minute detail as the committee shall see fit to examine. That invitation we have not thus far availed ourselves of, and, if it meet the approbation of the committee individually, I would be glad for the committee and would be glad myself to look into that a little. If it meets the approval of the committee, I would suggest we fix a day to meet at the Pension Office and avail ourselves of the opportunity afforded by the Commissioner to look into the modes of doing business there.

Mr. LIND. I think we ought to do that.

The CHAIRMAN. Then will some gentleman suggest a day?

The matter was discussed by the committee, and the committee adjourned to meet at 10 a. m., Monday next, at the Pension Office.

The following letters were here placed in evidence by the chairman:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 24, 1892.

SIR: My attention, for the first time, has just been called to a letter from this office addressed to one S. W. Daugherty, New Albany, Ind., under date of October 12, 1891, and purporting to have been signed by me as Acting Commissioner. The subject-matter of the communication pertains to what is known as the "completed files" of this Bureau. It is proper for me to state that the letter in question emanated from the law division of this Bureau and was not submitted to me for approval and signature, but was signed by stamp. The concluding paragraph of the letter, in which it is stated "that not one claim in fifty certified to said files is in condition to remain there, in some cases no evidence whatever being found in them," is at variance with the facts as disclosed by the condition and workings of the completed files, and is not in accordance with my judgment on this important, just, and praiseworthy feature in the adjudication of pension claims.

The estimate made by Mr. S. P. Pearson, the clerk who wrote the letter in the absence of his chief, was without foundation in fact, thoughtless, and not responsive to the communication to which reply was made.

I respectfully ask that my opinion on this subject be admitted and considered with that of which I had no knowledge, and which purported to have been authorized and signed by me.

Very respectfully,

ANDREW DAVIDSON,
First Deputy Commissioner.

Hon. H. H. WHEELER,
Chairman of Committee Investigating Pension Bureau.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 17, 1892.

SIR: In response to your recent inquiry relative to the pension claim (No. 377862) of Thomas Adams, Company F, Fourteenth Kentucky Infantry, I have the honor to state it is now in the hands of Special Examiner W. E. Ward, Galesburg, Ill., for further examination in Hancock County, Ill., as to origin of alleged disabilities.

The examination will be completed at the earliest practicable date, and the case disposed of without unnecessary delay.

Very respectfully,

ANDREW DAVIDSON,
First Deputy Commissioner.

Hon. W. H. ENOCHS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,,
Washington, D. C., July 2, 1892.

MY DEAR SIR: I am in receipt of yours of the 25th instant, calling for information as to whether or not the salary per diem and traveling expenses incurred by Messrs. J. G. Greenawalt and H. E. Lineaweaver while they were investigating certain matters pertaining to charges of illegal practice against Mr. Samuel Hersey during the latter part of February and April of this year, were disallowed.

Mr. Greenawalt is a supervising examiner of the Pension Office and is occasionally sent to the field on business connected with his office. Mr. Lineaweaver holds the position of private secretary to the Commissioner of Pensions and may have been detailed by him under section 4744, "to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension laws," etc.

But so far as the presentation of their accounts for allowance is concerned there is nothing therein which will indicate on what particular business they were engaged at any time. Their vouchers would only show their per diem in lieu of subsistence and expenses for railroad fare, buss hire, etc., in a very general way, so that I am unable to determine from any account which has been presented whether they were at any time engaged in the business to which you direct my attention other than as I gather from the testimony which was offered before your committee, and I have no doubt that their accounts for these months which you mention have been paid, as the only account in this connection which I have knowledge of being rejected is that of J. G. Greenawalt for $35.

It showed upon its face that he gave Mr. James F. Morgan $25 to be forwarded by him to Samuel Hersey, to pay for certain information, and $6 given by him to John R. Whittinghill, of Crothersville., Ind., for a like purpose.

It is claimed by the Commissioner of Pensions that this was a proper expenditure under the provisions of said section, but when the expense voucher therefor reached this Department, showing upon its face the purposes for which the money was used, I was unable, by the construction which I placed upon said section, to bring said expenditure within the purview thereof and disallowed the claim, saying also that if such expenditure was intended, subject to my approval, it should have been brought to my attention and the approval asked in advance.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. H. H. WHEELER,
Chairman of Committee Investigating Pension Bureau.

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743 SECOND AVENUE, LANSINGBURG, N. Y.,
February 22, 1892.

DEAR SIR: I notice the Speaker has appointed yourself and Messrs. Wheeler, Dungan, Lind, and Brosius a committee to investigate the Pension Office. Through you I desire to bring one case before this committee to illustrate the irregularities that seem to exist therein. This case is that of Frank A. Wilder, formerly of Company E, 44th Regiment (Ellsworth Avengers) New York State Volunteers, who now holds pension certificate No. 214922, granted for "malarial poisoning and nasal catarrh, with resulting disease of right eye, resulting in loss of sight of same, and affection of left eye, and chronic diarrhea." On the previously named disabilities and those resulting therefrom I am pensioned at the rate of $24 per month. On or about August 1, 1879, I was taken with chills and fever, the latter settling in my right eye, destroying the sight of it entirely and seriously impairing the sight of my left eye. It was supposed at that time that my right eye would soon become well and that my left eye would be much stronger than before, but unfortunately such is not the case. My right eye is not well yet, and my left constantly grows weaker.

In the spring of 1880 I was ordered by the Pension Office before Surg. Parmellee, of Watertown, N. Y., for examination, who pronounced me wholly unable for the performance of manual labor of any kind, and recommended me for $18 per month. After some time I was pensioned at the rate of $12, which has since been increased to $24. Nearly two years ago another application for increase was sent to the Pension Office, and on the 8th day of April last I went to Saratoga Springs, by order of the Pension Office, and was examined by its board of surgeons. President Hewett declared that I was wholly unfit for performing manual labor of any kind, and that I was one of the worst used-up men internally that ever came before the board; that I could not be fully compensated under the existing pension laws, and that I should have more than the laws would give me. The evidence on both sides, filed in the Pension Office, shows that I am unable to perform manual labor of any kind; hence physically I am entitled to $30 per month under the present pension laws, leaving eyesight out of the question. Again, I am unable to perform manual labor

by reason of the condition of my eyes and nearly loss of sight thereof, but Commissioner Raum decided that I am only entitled to $24 per month. I have asked him for a copy of the evidence sustaining his decision, but it has not yet been forwarded. I have also asked for rerating from May, 1880, based upon the reports of examining boards above mentioned, but no attention has been paid to it.

To illustrate the manner in which the pension laws are and have for some time past been executed, I will give you an instance of my experience under President Cleveland's administration. I think it was nearly two years after Congress passed the law making total blindness pensionable at the rate of $72 per month, under which act the loss of sight of one eye was raised from $4 to $8 per month. I applied for the increase of $4 per month on the total loss of sight of my right eye. Said application was rejected, stating that I was drawing all that I was entitled to, and signed by First Deputy Commissioner W. E. McLean. About one year later I forwarded another application for the same purpose, and in due time notice came that it was disallowed, stating that I was drawing all the laws allowed. Some months afterwards I sent in another application for the $4 per month increase, which was also disallowed, on the ground that I was drawing all entitled to for the disabilities named in pension certificate. I next employed an attorney, who took my case to the board of review. Said board at once granted the $4 per month asked for in each of the three applications denied by Deputy McLean, but the increase did not commence until the date of the decision of the board of review, thereby throwing me out of nearly or quite three years' increase. Under the laws and rulings of the Department I was entitled to the increase from the date of examination under the first application. It is clear that it was no fault of mine that the application was illegally and unjustly disallowed; hence I ask that the $4 per month should date back to examination above referred to.

I am forced to draw the conclusion from personal experience that it matters not what rate you are entitled to under the existing pension laws; I must submit to the rate fixed by some incompetent or prejudiced examiner, approved by the Commissioner of Pensions, and if justice is secured at all it is by making repeated applications and fighting for the right for several years before it can be secured.

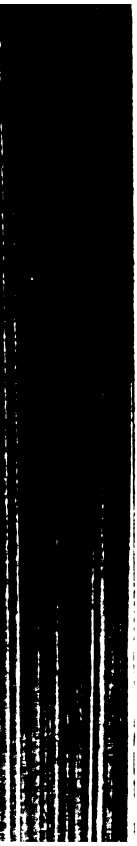
I have scarcely been able to read since 1879, and can write but a few minutes at a time, for the reason that in order to see at all I have to use such strong magnifying glasses that it soon blinds me. There are many, I am informed, who draw $50 per month who can see equally as well as I can, and further, those who are conversant with the present pension laws say that I ought to draw $50 per month on loss of eyesight alone.

Please examine the report of the board of surgeons, made April 8, 1891, and if not too much trouble secure me a copy of the same and oblige.

I am, yours, very truly,

FRANK A. WILDER.

Hon. Mr. LITTLE, M. C.



INDEX OF WITNESSES, WITH EXHIBITS INTRODUCED IN THEIR TESTIMONY.

Page.

Allen, F. H 1219–1224, 1352–1359, 1387–1389, 1393, 1394

Anderson, F. B 1164–1166

Letter from James Tanner, Commissioner of Pensions, to George W. Cooper, M. C., in response to a telegram from Mr. Cooper of September 6, 1889, relative to charges against Maring, Slusher & Co 1166

Bailey, E. D 1031–1039

Affidavit, application, and papers of Harry E. Lineaweaver for the departmental service 1032–1039

Bailey, M. B 54–76, 1080–1085, 1087, 1088, 1091–1094, 1155–1164, 1170, 1171, 1236, 1239, 1330–1339, 1401–1404, 1435–1442, 1461–1466

General circular of Charles McClellan, offering to furnish status of claims for a consideration of $1 per case 1238

Rule 191, relative to charge of examining surgeons for examinations and signing certificates without actual presence at the examination 1239

General statement of work performed by the law division from March 4, 1889, to May 25, 1892 1402

Letter from James Tanner, Commissioner of Pensions, to George W. Cooper, M. C., in response to a telegram from Mr. Cooper of September 18, 1889, relative to charges against Maring, Slusher & Co .. 1164

Letters to A. J. Ten Brook, a pensioner, calling upon him to refund to Geo. E. Lemon the sum of $15, a balance of fee not certified to by the Bureau through inadvertence 1465

Report relative to the completed-files system 1435–1442

Statement showing number of cases placed on the completed files since Order 151 was issued to August 16, 1890 ..... 635, 636

Statement giving names and address of attorneys who filed slips prior to February 11, 1890 1443

Statement giving names of attorneys and the number of slips filed by them the first month after Order 151 went into effect 1444

Baker, W. H 1291, 1292

Barker, W. H 436–449, 453–461, 792–795, 1113–1115

Bates, Alfred 820

Blackmar, J. F 1364

Boyd, C. C 1368, 1369

Brooks, Walter J 747–760, 907–910, 1065–1072, 1459–1461

Affidavit and letter from Gen. John C. Fremont relative to the service of Charles De Arnaud 750, 751

Certain letters relative to special examination of charges of false impersonation by Charles De Arnaud, an applicant for pension 1459–1460

Law division slip, charging inadequacy of special examination of certain charges relative to relations of W. A. Martin, an employé of the Pension Bureau, and A. M. Legg 1067

Brookshire, B. V 700–702

Brownell, Frank B 1599–1600

Buckey, Thos. W 886–895

Agreement memorandum of, with Gen. Raum 894–895

Burke, J. B 1041–1044

Burrill, J. P 1005–1006

Bussey, Cyrus 96–190, 993–996, 1343–1344, 1379–1380

Case statement from July 1, 1891, to February 29, 1892 187

Correspondence with the Commissioner of Pensions, relative to a greater efficiency in the adjudication of claims where there is no attorney of record 145, 177

Defects in pension legislation, extracts from bill prepared by Gen. Bussey 137–138

Extract from the annual report of the Secretary of the Interior, relative to the course of a pension claim through the Pension Bureau 153–155

Page.

Bussey, Cyrus—Continued.
Letter from Deputy Commissioner of Pensions relative to immediate consideration of claims declared by attorneys to be "complete".... 160–161
Letters and correspondence relative to Jas. Dugan, furnishing status of cases upon Congressional slips, for a money consideration..... 995–996
Letter from Geo. E. Lemon to Commissioner of Pensions relative to completed files in certain claims 166
Number and value of cases allowed by Bureau of Pensions during seven months from July 1, 1891, to January 31, 1892, inclusive..... 176
Opinion of the Assistant Attorney-General relative to rerating of certain pensioners, employés of the Bureau of Pensions..... 117–121
Opinion of the Assistant Attorney-General relative to right of the Government to recover, by set-off or otherwise, pension money which has been wrongly paid 121–130
Opinion of the Assistant Attorney-General relative to certain powers of the Commissioner of Pensions..... 130–136
Order 157, creating the appointment division in the Pension Bureau 156
Practice of the Pension Bureau in the years 1833, 1838, and 1850, relative to the adjudication of claims 181
Provisions of law in which Congress has referred to the Secretary of the Interior and the Commissioner of Pensions by name..... 136–137
Ruling in the "Adler case" relative to arrears, etc., with reasons for denying attorneys the privilege of examining certain papers relating to criminal charges and investigations, reports from the War Department, confidential communications, and certificates of examining surgeons..... 182–186
Butterfield, F. G 1104–1113, 1311–1316
Letter of Commissioner of Pensions, dated August 4, 1885, changing the duties and scope of territory of supervising examiners 1109
Chandler, George W..... 190–225
Letter from the Secretary of the Interior relative to giving preference to claims in time of either hearing or adjustment..... 220–221
Letters, correspondence, and papers relative to the appointment, resignation, and dismissal of Green B. Raum, jr., Edward Howard, J. E. Engle, F. M. Taylor, and Thomas R. Fawcett, employés of the Pension Bureau 228–243
Letter from Commissioner of Pensions relative to the status of cases furnished Mr. J. Jolly Jones..... 217
Reply to Commissioner's letter relative to status of cases furnished Mr. J. Jolly Jones..... 217–218
Clark, S. N.....1273–1277
Cole, C. C.....1098–1104
Coleman, R. S.....1171–1174
Fifteen-day notice to A. M. Legg, to show cause why he should not be disbarred from practice before Bureau of Pensions..... 1173
Coney, J. E. S..... 910–912
Cooper, G. W.....760, 822–832, 998–999
Complaint of Jno. Buxton relative to Geo. E. Lemon 824
Complaint of Dr. W. H. Nusbaum relative to delay in adjudicating pension claims 825
Complaint of Lewis Wagner regarding delay in making allowances in claims already adjudicated 823
Extract from the testimony of Geo. E. Lemon given before a former investigation of the Pension Office 1240–1243
Letter from Mr. Cooper, returning Jas. F. Morgan $25, alleged to be for use of Mr. S. P. Hersey..... 825
Letter from Mr. Cooper to Hon. Jas. Tanner on the subject of Congressional calls for status of claims 827
Letter to Commissioner of Pensions from Mr. Cooper relative to slips of Maring, Slusher & Co..... 831
Letter from Gen. Bussey to Mr. Cooper, dated April 15, 1892, relative to proposed disbarment of Jno. N. Maring, stating that no letter had been received by the Department making such a recommendation.. 1236
Letter from Mr. Tanner to Mr. Cooper relative to Congressional calls in connection with the firm of Maring, Slusher & Co 828
Letter from Mr. Tanner to Maring, Slusher & Co. relative to Congressional call slips printed by this firm..... 832
Letter from Andrew Davidson, Acting Commissioner of Pensions, in response to call of Jno. G. Dunbar for status 999

Page.
Cooper, G. W.—Continued.
Postal card, dated October 16, 1890, signed Jas. F. Morgan, notifying his constituents that Hon. Green B. Raum, Commissioner of Pensions, will be in Bloomington, Ind., October 22, 1890 998
Crounse, W. L 1135–1137
Davidson, Andrew 1013–1016
Letter from Commissioner of Pensions relative to calling up cases on slips from J. G. Dunbar, a candidate for Congress 1015
De Arnaud, Chas 1181–1211
Affidavits of Gen. Fremont, Ward H. Lamon, and Stephen C. Burbridge, in behalf of witness 1192–1193
Appeal from the decision of the Commissioner of Pensions rejecting his claim for pension 1197–1201
Application of Addison Ely for the record of claim for pension of the witness 1191
Certificate of Col. Albert Tracey, U. S. Army, in behalf of witness 1193–1194
Disallowance and rejection of claim for pension, by Gen. Green B. Raum. 1194–1195
Letter of Special Examiner Brooks, notifying the Commissioner of the indictment of the witness by the grand jury of the District of Columbia upon the charge of violation of section 5438, R. S. 1209
Letter transmitting all papers in the pension claim of the witness to the Department of the Interior 1208
Rejection affirmed by the Department of the Interior 1201–1208
Statement of Gen. Jno. C. Fremont relative to Army services of witness. 1191–1192
Dennis, T. Fletcher, ... 1174–1181
Donahue, Jas. W 761–771
Affidavit of J. W. Latourette relative to dividing commissions on loans in the Pension Office 768
Doyle, Jno. T 1039–1041
Dugan, James 1048–1050
Durnan, Richard A 816–818, 1002–1005, 1009–1013, 1320–1321, 1360–1362, 1387
Eager, J. H. A 912–913
Ellis, Harvey G 786–790
Engle, Jas. E 820–821, 864–874, 882
Fawcette, Thos. R 461–469, 1404–1420, 1421–1432
Appeal from Mrs. T. R. Fawcett to the Commissioner for the reinstatement of her husband, the witness 1414
Further correspondence relative to the dismissal of witness 1416, 1431–1432
Letter from the chief of the middle division recommending the reduction of the salary of witness 1410–1411
Letter from the Commissioner of Pensions to the Secretary of the Interior recommending the reduction of the salary of the witness 1411
Letter from Gen. John C. Black recommending the dismissal of witness. 1412
Letter to witness from the chief of the special examination division, notifying him of his reinstatement as a special examiner after dismissal from the service, dated May 1, 1886 1413
Letter from the witness to the President regarding his dismissal 1415
Quotation from letter of witness to the Commissioner of Pensions, dated January 30, 1892, making certain charges against the Commissioner. 1407
Field, F. A 1318–1320
Filer, C. W 1359–1360, 1394–1395
Fisher, A. W 1094–1098, 1115–1120, 1291
Report of A. D. Wilcox relative to Commissioner's absence 1096–1098
Transcript from order book of chief clerk showing absence of Commissioner of Pensions 1116
Flanniken, B. F 771
Fletcher, R. P 1344–1345
Fletcher, Thos. C 1591–1593
Ford, W. T 797–816, 1050–1056
Affidavit of J. W. Donahue, in the matter of charges of Mrs. Wright 1055
Voluntary statement of, in rebuttal of charges preferred by Mrs. Caddie Wright 1050, 1051
Fritts, James R 905–907, 993
Gantz, M. K 702, 703
Garrison, J. S 1292, 1293
Gitt, David L 874–879
Affidavit, extract from, relative to slips used by Maring, Slusher & Co. 874
Greenawalt, J. G 956–969, 1137–1146
Indorsement on jacket of Maring, Slusher & Co., relative to disbarment proceedings 968

Page.
Greenawalt, J. G.—Continued.
Letter (confidential) from E. S. Williams, relative to practices of S. R. Hersey, an attorney of Washington, D. C 958
Letter (confidential) from Henry Holt, relative to Mr. Cooper calling up cases 959
Greenwell, Jos. B 1060–1065
Hallam, O. P 375–409, 1268–1270
Hamilton, Chas. A 1224, 1225
Harter, M. D 1088–1091
Hayward, A. B 1225–1236
Papers and correspondence regarding the dismissal of witness from the Bureau of Pensions 1232–1234
Henry, Jas. F 1146, 1147
Hersey, Saml. P 703–731
Hodgson, V. M 895–905, 1018–1020
Ingram, Thos. D 1294–1311, 1325–1327, 1396–1401, 1404
General statement relative to cases admitted and rejected by the medical board from fiscal year ending June 30, 1887 to April 20, 1892 1397–1340
Papers in the pension case of Wm. W. Dudley, certificate No. 30766 1299–1308
Ruling of Commissioner Tanner in the Albert J. Conklin case, relative to character of amputation of the leg below the knee joint 1325
Jennings, J. H 1120–1127
Appointment and dismissal of, as a special examiner 1121
Keene, H. M 1469, 1470
Kelly, Jno. F 1287, 1288
Kelley, L. M 1264–1267, 1395
Keppler, D. W 816
Ketcham, Morris 1166–1170
Klopfer, W. H 818–820
Landon, L. D 1085–1087
Lincoln, S. S 1270–1273
Lineaweaver, H. E 731–747, 1342–1343, 1597–1599
Letter from the Commissioner of Pensions to E. G. Rathbone, Fourth Assistant Postmaster-General, requesting copies of all papers in the investigation made by the Post-Office Department relative to the character of F. M. Taylor 1599
Little, Joseph J 1570–1571
Little, J. W 1277–1281
Lockwood, Geo. N 433–436
Lyon, G. A 76–80
McCullough, Samuel 1006–1009, 1018–1019
McElfresh, Geo. W 790–792, 832–833
Maddox, H. L 1056–1058
Martin, W. A 1072–1080
Mayer, W. F 1044–1046
Minshall, R. P 1364
Mitchell, Frederick 1046–1048
Moses, W. B 1127–1133
Morgan, Jas. F 916–956
Letter to S. R. Hersey, relative to compensation for furnishing status in pension claims 923
Letter (confidential) to J. G. Greenawalt, relative to compensating S. R. Hersey for calling up cases 958
Myers, H. A 1288
Noble, John W 1–54
Adjutant-General's office, transcript of military record of Theodore Smith, *alias* Theodore Stevens, *alias* Ransom A. Davis 31, 34
Affidavit, joint, of Wm. C. Carroll, Theo. Smith, Green B. Raum, jr., and H. E. Lineaweaver, denying charges of conspiracy in attempting to control appointments and promotions in the Bureau 26, 27
Affidavit of Edward Howard, charging Green B. Raum, jr., with requesting a loan of $50 from deponent, in return for efforts to have him sent to the field as an examiner; also, charging Theo. Smith with receiving a money consideration for sending special examiner Horace Stover to the field 25
Affidavit of Jas. E. Engle, relating to his dismissal from the Bureau and promise of Green B. Raum, jr., to have him reinstated for a money consideration 24, 25
Affidavits of Green B. Raum, jr., denying charges of Jas. E. Engle and Edward Howard 27, 28

Pages.
Noble, John W.—Continued.
Affidavit of Theo. Smith, denying charges of Jas. E. Engle and Edward Howard 28
Affidavit of Wm. C. Carroll, denying charges relative to Theo. Smith controlling appointments and promotions in the Bureau 29
Affidavit of Cornelius W. Okey, relative to certain charges of Edward Howard 29
Assistant Attorney-General, opinion of, relative to the service of the Forty-seventh Regiment Pennsylvania militia, and pensionable status 45–51
Extract from Ex. Doc. No. 360, relative to rerating of pensioners 38, 39
Investigation of the Civil Service Commission, relative to charges against Green B. Raum, jr., relative to the appointment of Wm. P. Smith as a laborer in the Pension Bureau 3–21
Payson, L. E 1216
Parker, J. E 1365–1368
Peck, F. C 996–998
Peyton, John B 1021–1031
Papers and correspondence relative to dismissal of, and correspondence with Hon. Secretary of the Interior 1024–1031
Pierson, W. T 1147–1155
Letter unsigned, recommending the disbarment of Maring, Slusher & Co., of Columbus, Ind 1150–1153
Rathbone, E. G 1421–1423, 1571–1591
Letter from the Commissioner of Pensions to the Postmaster-General requesting report of the post-office inspector relative to the standing and character of Mr. F. M. Taylor 1421
Letter from the Commissioner of Pensions to the Postmaster-General requesting copies of the statements made by one Mr. Laturno and J. A. Willinghby relative to the character of F. M. Taylor 1583
Letter, signed E. G. Rathbone, in the confidential letter book of the special examination division, Pension Office, preferring charges against G. D. Mills, a special examiner 1588
Report No. 2683, House of Representatives, Forty-eighth Congress, second session, relative to the administration of the Pension Office, etc 1590
Report of William T. Sullivan, post-office inspector, relative to the character of F. M. Taylor 1576–1580
Raum, Green B 245–348, 350–371, 409, 433, 469–700, 1132–1135, 1534–1569
Abstract of the claim of Frank Delair, No. 166134, with special examiners' reports thereon 305–319
Affidavit of William Gregory preferring charges against Dr. Bontecou, of the Troy Board 488
Affidavits of A. S. La Turno and J. A. Willoughby preferring charges against F. M. Taylor 325–326
Affidavit of Theo. Smith, refuting charges of Messrs. Engle and Howard 290, 291
Extract from the daily reports of Examiner A. M. Sproesser 497
Further reference to the claim of John S. Garrison and statement of George Baber, of the board of pension appeals 553–555
Letter to the Secretary of the Interior making charges against F. M. Taylor 293, 294
Letter of Acting Commissioner of Pensions to Examiner F. M. Taylor, directing line of examination in the claim of Frank Delair 303
General letter to the Secretary of the Interior, inclosing affidavits of William T. Ford and A. R. P. Toncray, and a summary statement giving reasons for the dismissal of Messrs. Engle, Howard, and Taylor. 323–325
Letter from Acting Secretary of State, relative to Edward Howard while in the consular service 327
Letters and correspondence from the personal files of F. M. Taylor 381–385
Letters and correspondence in regard to the appointment of William T. Ford as a chief of division in the Pension Office 385–391
Letter recommending the dismissal of Ivan Summerlin, a clerk 391
Letters and papers in the case of V. M. Hodgson, a dismissed employé of the Pension Bureau 392
Letters and correspondence relative to the discharge of James Dugan, an employé in the Pension Bureau 393–397
Letters and correspondence in regard to charges against Theodore Smith, concerning the examination of the case of William H. Ballard, No. 100723 397–400

Pages.

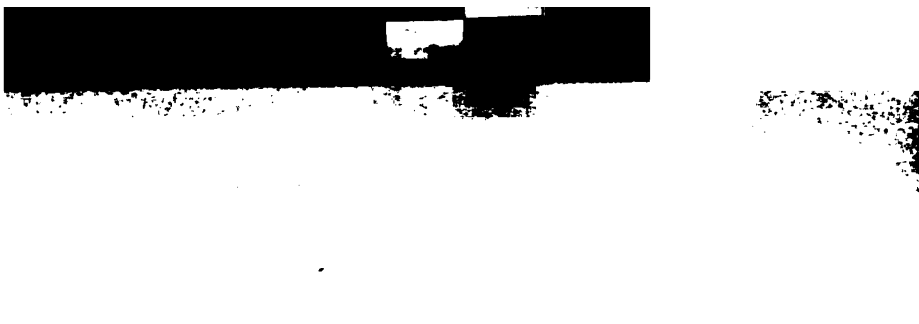
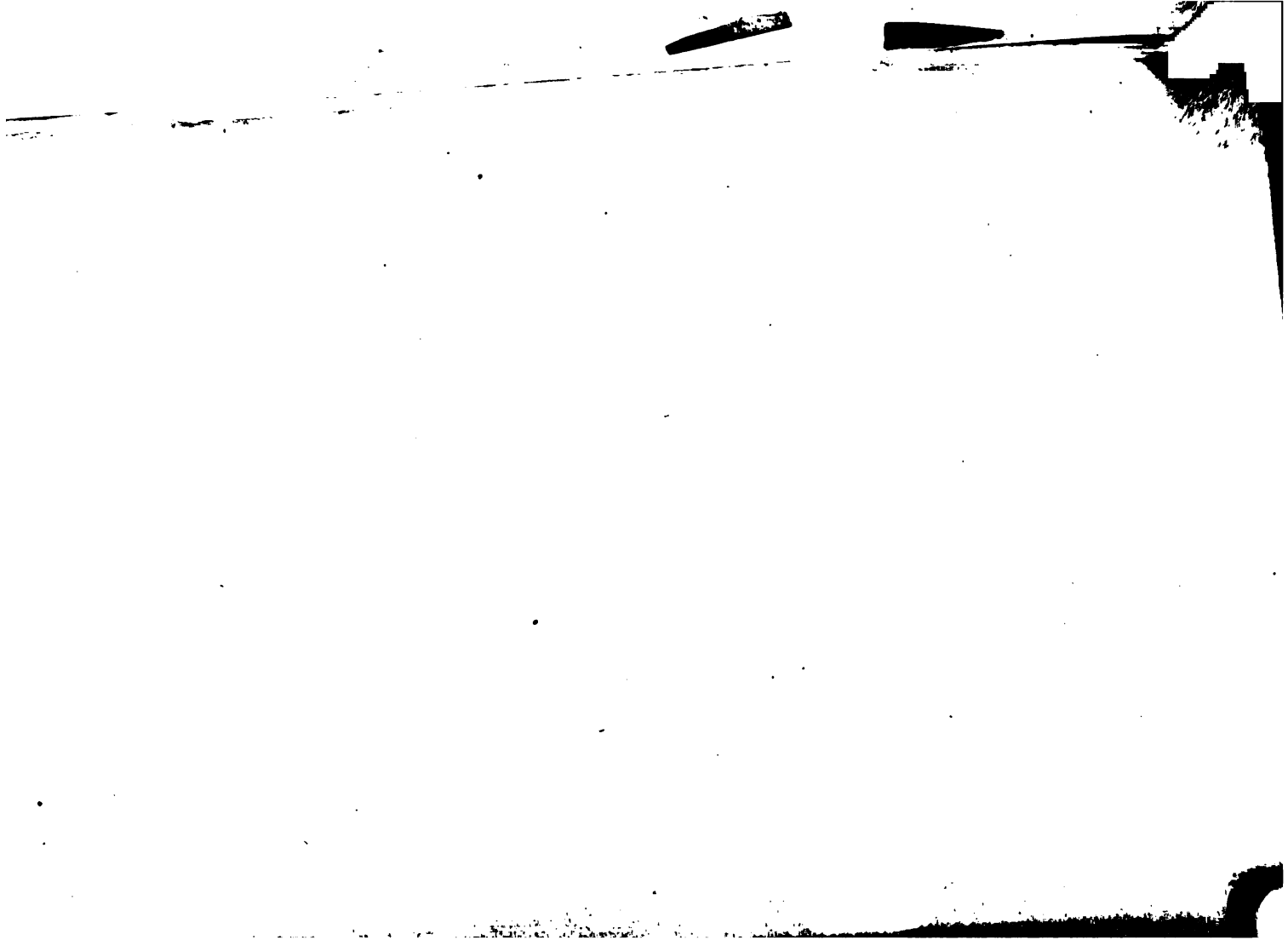
Raum, Green B.—Continued.
Letter from Cyrus Bussey, Assistant Secretary of the Interior, recommending transfer of H. E. Lineaweaver from Pension Bureau, also papers in regard to the appointment of Mr. Lineaweaver in the civil service 401–403
Letter from the Civil Service Commission, transmitting copy of report of an investigation, concerning the appointment of one William P. Smith 409
Letter to Gen. Bussey in regard to H. E. Lineaweaver 421
Letter from Green B. Raum, jr., to the Commissioner, regarding the reduction of the pension of Scott Jewell 425
Letter dictated by John M. Welty, as assistant chief special examination division, to E. G. Rathbone, relative to one Frost 429
Letter from W. W. Dudley, recommending one George McElfresh for appointment in the Pension Bureau 432
Letters and charges against the board of examining surgeons at Troy, N. Y 473–477
Letters and correspondence relating to the removal of Dr. Wintermute, of the board of examining surgeons at Celina, Ohio 526–529
Letter from Commissioner regarding the rejection of the increase claim of James W. Wisner, Certificate No. 73840 531
Letters and correspondence relating to the disbarment of Edwin M. Hart, an attorney of New York City 566–569
Letters and correspondence in regard to payment of a fee to Manville Chamberlain, an attorney of New Boston, Ill 571, 572
Papers and correspondence regarding the field assignment of H. G. Stover 286–289
Papers and correspondence regarding the removal and reinstatement of Samuel McCullough, an employé of the Pension Bureau 403–409
Papers and correspondence in regard to the dismissal and reappointment of John M. Welty, a clerk in the Pension Bureau 430
Papers and correspondence relative to Dr. H. Landon, of the Remington, Ind., board of examining surgeons 470–472
Papers and correspondence regarding the rejection of the pension claim of R. S. Dodson, No. 905331, and a statement in regard to the claim of John N. Rouse 490–495
Papers, correspondence, and examiners' reports in the adjudicated claim of Hetty Ann Key, No. 297187 502–522
Papers and correspondence between T. R. Fawcette and the Commissioner, relative to the former's discharge as a clerk in the Bureau .. 586, 587
Petition of veterans, citizens of Rensselaer County, N. Y., asking the reappointment of another board of examining surgeons at Troy 487
Recommending the dismissal of J. E. Engle, Edward Howard, and F. M Taylor, clerks in the Bureau of Pensions 284, 285
Refutation of charge of favoritism in certifying a fee to John Raum, and statement of John Raum 570
Report of F. G. Butterfield, relative to Horace G. Stover 286, 287
Report of Special Examiner W. J. Brooks in the matter of charges against Special Examiner F. M. Taylor 375–381
Report of Special Examiner Charles F. Nichols, investigating the charges against the Troy board 477–486
Report of Supervising Examiner J. G. Greenewalt, by direction of Commissioner of Pensions, regarding certain irregular practices of Samuel P. Hersey and others, practising attorneys before the Bureau of Pensions 645–700
Ruling No. 245, allowing increased rates for certain disabilities 579
Statement in regard to the dismissal of Edward Renaud, an employé of the Pension Bureau, author of "physical wreck" articles and other newspaper articles 538–541
Statement in regard to the allowance of the claim of John S. Garrison, certificate No. 288225, for increase of pension 539–541
Raum, Green B., jr 80–96, 986–992
Raum, John 879–882, 883–886
Blank declarations for increase of pensions as used in his office and as used in the Bureau of Pensions 883–886
Rayburn, R. A 1293–1294
Reinberg, Louis 1363, 1364
Reppert, Frank H 913–916
Reynolds, Wm. N 1362, 1363, 1390–1393
Rynex, R. C 1466–1469

Page.
Seckendorf, M. G 1281, 1282
Scudder, W. H 1316–1318
Shannon, T. J 1321–1325
Shaw, J 1394
Shaw, W. B., jr 1327–1329
Sloane, Mrs. D 1282–1287
Smith, Theodore 1456–1459
Sprague, F. G 992, 993
Stith, W. E 999–1002
Taber, A. S 1267, 1268
Transmits list of clerks formerly employed by Mr. Lemon, at this time employés of the Pension Bureau 1268
Taylor, F. M 795–797, 837–861, 1593–1597
Assignment to duty in the District of Columbia 853
Extracts from report in claim of Frank Delaire 847
Letter to Commissioner relative to assignment of room for special examiners in the District of Columbia 838
Letter of Secretary of the Interior relative to resignation 857
Letter from Commissioner of Pensions relative to promotion of 859
Letter to the Secretary of the Interior relative to report in the case of J. Morgan Brown 945
Recommends special examination in Delaire claim before allowance 847
Slip used as basis of examination in claim of Hetty Ann Key 849
Thompson, J. W 449–453
Tonner, A. C 225–245, 371–375, 862–864, 1058–1060, 1214, 1215
Order issued by the Department of the Interior, dated March 30, 1889, regarding recommendations for the dismissal of employés 1214
Papers in the case of J. E. Engle, employé in the Bureau of Pensions 862, 863
Statement regarding the removal of a certain article written by Gen. Dugan, from the desk of Mrs. Banks, reflecting upon the personal character of Cyrus Bussey, Assistant Secretary of the Interior 1215
Totten, E. J 1340–1342, 1396
Report of, investigating the charges preferred against W. T. Ford by Mrs. Caddie Wright 1340, 1342
Van Mater, J. R 1289, 1290, 1364, 1365, 1387
Voorhees, Daniel W 1449–1452
Waggstaff, A. J 1290, 1291
Wayson, Geo. W., jr 771–785, 969–986
Article in the New York Herald alleging charges of bribery against G. W. Wayson 777, 778
Webster, W. H 1217–1219
Welty, John M 785–786
Wheeler, M. B 348–350
Wilcox, A. D 1215–1216, 1601
Wilhite, Warner 1348–1352, 1389–1390
Williams, C. C 1442–1449
Wright, Mrs. Caddie L 1016–1018
Wright, M. B. C 1452–1456

INDEX OF GENERAL EXHIBITS.

Committee resolutions recommending to the Secretary of the Interior the disbarment of James F. Morgan, an attorney of Bloomington, Ind 956
Indorsement on the letter signed by Messrs. Carroll, Lineaweaver, Raum, and Smith, dated October 21, 1891, by the Secretary of the Interior 1432
Extract from the executive, legislative, and judicial appropriation bill for year ending June 30, 1892, relative to appropriation for the medical division in the Pension Office 607
Extract from the testimony of Gen. Green B. Raum, Commissioner of Pensions, given before the special committee investigating the Pension Office during the Fifty-first Congress 620, 624, 625, 626, 627, 630, 631, 632–634, 639
Extract from the testimony given before a former investigating committee of the Bureau of Pensions by Cyrus Bussey and A. S. Taber 1372–1386
Field, F. A., papers in the case of, and charges against, while a special examiner 842, 843

Page

Greenwell, Joseph B., papers in the case of, and dismissal on, charges preferred by Theo. Smith 1059, 1060
Investigation of charges against W. H. Barker, chief of the record division, preferred by James W. Donahue 833–837
Letter of Deputy Commissioner to Commissioner, giving his views on question raised in recent letter of George E. Lemon, as to immediate consideration of claims declared by attorneys to be complete 615, 616
Letter of George E. Lemon to the Commissioner, relative to taking up thirty cases supposed to be complete and ready for reference to board of review 614
Letter of C. M. Bryant, assistant chief of the middle division, relative to taking up claims out of regular order on statements of attorneys 614
Letter of Commissioner of Pensions, refusing the committee certain information regarding the correspondence between Messrs. Wayson and Smith, as called for in recent letter 1212
Letter of Commissioner to Secretary of the Interior submitting for his consideration the question of furnishing copies of certain correspondence to the Committee on Investigation of the Pension Office 1213, 1214
Letter of the Commissioner to Secretary of the Interior, relative to furnishing the committee copies of certain letters relative to the removal of a number of employés 1316
Letter of the Acting Secretary of the Interior to the chairman of the committee, informing him that the Commissioner of Pensions has been directed to furnish copies of the Smith-Wayson correspondence 1345
Letter from the chairman of the committee to the Secretary of the Interior, relative to the Smith-Wayson correspondence, and a request that the Commissioner of Pensions be required to furnish the same to the committee 1345
Letter from the Commissioner of Pensions to the chairman of the committee informing him that the books containing the Smith-Wayson correspondence are open for the inspection of the committee 1346
Letter from James Tanner to the chairman of the committee relative to the rerating of William W. Dudley 1346, 1347
Letter from Gen. Bussey to the Commissioner of Pensions, relative to certain charges made by Messers. Engle and Howard in relation to intimacy between G. B. Raum, jr., and Theo. Smith, with one inclosure, ... 1432–1435
Letter to chairman of the committee from the pension agent in Washington, D. C., stating impracticability of furnising list of fee payments to George E. Lemon, for the period of one year from January 6, 1890 ..... 1475, 1476
Letter from the Commissioner of Pensions to the chairman of the committee, renewing an invitation of former date, that the committee make a careful inspection and examination of the Bureau of Pensions 1500, 1501
Order No. 145, relative to the assignment of duties by the respective divisions in the Bureau, and also the duties of the deputy commissioners 613, 614
Order 149, relative to completed files, embracing the order of procedure in original cases 616, 617
Order 151, relative to proof necessary for claimants to have their claims placed upon the completed files 617, 618
Order 155, relative to claims under the act of June 27, 1890, being placed upon the completed files 618
Order 162, issued to secure the prompt adjudication of claims coming under the act of June 27, 1890 ..... 597, 598
Order 174, limiting attorneys' privileges in examining papers in pending pension claims 641
Papers and correspondence relative to the appointment of Dr. Joseph W. Little on the board of examining surgeons at Washington, D. C. 1308–1311
Papers and correspondence relative to charges against John G. R. Chapman, of New Haven, Conn., an attorney practicing before the Bureau of Pensions 1330–1339
Reports of Special Examiners Cox and Okey, investigating charges against A. M. Legg, a practicing attorney before the Bureau, of Topeka, Kans. 1507–1534
Resolution adopted by the Committee on Rules, July 26, 1890, relative to the management of the Bureau of Pensions 612, 613
Statement showing number of days Commissioner was absent from October 31, 1889, to March 28, 1892 590
Statement from the legislative bills from 1885 to 1892, in regard to the special examination division 504
Statement from Gen. Bussey, relative to claimants without attorneys having the same consideration as those having an attorney, and letter from Hon. Jos J. Little, citing the case of Frank A. Wilder, No. 214922 ..... 1471, 1472

Page.
Statement of the Commissioner of Pensions, addressed to the Secretary of the Interior, relative to certain complaints of preference and favoritism practiced in the Pension Bureau, also a résumé of the work of the various divisions of the Bureau 1482–1496
Telegram from Gen. Bussey to Commissioner, relative to resignation of Green B. Raum, jr 1214
Testimony of George E. Lemon, as contained in House Report No. 3732, Fifty-first Congress, second session 1243–1263
Letter from Hon. Andrew Davidson, Acting Commissioner of Pensions, to S. W. Daugherty & Co., of New Albany, Ind., relative to completed files, etc 1601, 1602
Letter from Hon. Andrew Davidson to the chairman of the committee, containing a denial of a paragraph in the letter written to S. W. Daugherty & Co., in regard to the completed files system 1603
Letter from Hon. Andrew Davidson to Hon. W. H. Enochs, House of Representatives, relative to the claim of Thomas Adams, No. 377862 1604
Letter from the Secretary of the Interior to the chairman of the committee relative to certain expense accounts of Messrs. Greenewalt and Lineaweaver 1604
Letter to Hon. Joseph J. Little from Frank A. Wilder, of Lansingburgh, N. Y., calling the attention of the committee to certain alleged irregularities in the adjudication of claims by the Bureau of Pensions 1604